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DALLAS, TEXAS



CITY OF DALLAS

Memorandum

DATE October 22, 2010

TO Transportation and Environment Committee Members: Linda L. Koop (Chair), Sheffie Kadane (Vice Chair), Jerry Allen, Tennell Atkins, Carolyn R. Davis, Vonciel Jones Hill, Angela Hunt, Delia Jasso, Pauline Medrano, Ron Natinsky

SUBJECT Transportation and Environment Committee Meeting Agenda

Monday, October 25, 2010 at 2:00 – 4:00 p.m.
City Hall, 1500 Marilla, Room 6ES
Dallas, TX 75201

1. **Approval of Minutes for the October 11, 2010 Transportation and Environment Meeting**
(Action / 1 Minute)
2. **Three Pollutants of Concern: Ozone, Particulate Matter, and Mercury**
Kris Sweckard, Managing Director, Office of Environmental Quality
(Briefing / 30 Minutes)
3. **Path to 2060: The Lake Palestine Connection**
Jo Puckett, Director, Dallas Water Utilities
(Briefing / 30 Minutes)
4. **Upcoming Agenda Item**
(Action / 10 Minutes)

"Code Amendments for Neighborhood Markets" - Draft Addendum Item # 5 on October 26, 2010 City Council Agenda/Convention and Event Services

An ordinance adding Chapter 29A and amending Chapters 17 and 42A of the Dallas City Code to: (1) provide permitting procedures, fees, and operational requirements for neighborhood farmers markets in the city; (2) modify temporary food establishment requirements as they relate to neighborhood farmers markets; and (3) modify special event permit requirements as they relate to neighborhood farmers markets - Estimated Revenue: \$2,100

5. **Information Items**
 - 2011 D/FW International Airport Board Appointment Timeline
(5 Minutes)
 - "Optional" City Council Tour of McCommas Bluff Landfill and Southside Wastewater Treatment Plant, Tuesday, November 9, 2010
(5 Minutes)

Linda L. Koop, Chair
Transportation and Environment Committee

c: The Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Thomas P. Perkins, Jr. City Attorney
Deborah Watkins, City Secretary
Craig Kinton, City Auditor
Judge C. Victor Lander, Administrative Judge
Ryan S. Evans, First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Forest Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Edward Scott, Director, Controller's Office
Frank Libro, Public Information Office
Rick Galceran, P.E., Director, Public Works and Transportation
Theresa O'Donnell, Director, Sustainable Development and Construction
Helena Stevens-Thompson, Assistant to the City Manager – Council Office

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation is an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

TRANSPORTATION AND ENVIRONMENT COMMITTEE MEETING RECORD

The Transportation and Environment Committee (TEC) meetings are recorded. Agenda materials are available online at www.dallascityhall.com. Recordings may be reviewed/copied by contacting the TEC Staff Coordinator at 214-670-4545.

Meeting Date: October 11, 2010 **Start Time:** 2:05 p.m. **Adjournment:** 4:14 p.m.

Committee Members Present:

Linda L. Koop (Chair), Sheffie Kadane (Vice Chair), Jerry R. Allen, Tennell Atkins, Carolyn R. Davis, Delia Jasso, Vonciel Jones Hill, Pauline Medrano, Ron Natinsky

Committee Members Absent:

Angela Hunt

Other Council Members Present:

Dwaine R. Caraway

City Executive Staff Present:

Jill A. Jordan, Assistant City Manager
Theresa O'Donnell, Director, Sustainable Development and Construction
Peer Chacko, Assistant Director, Sustainable Development and Construction
Dan Weber, Director, Aviation

DART Board Members Present:

Richard Carrizales, Scott Carlson, Jerry Christian, John Danish, Pamela Dunlop Gates, Robert Strauss, William Tsao, William Velasco, Tracey Whitaker, and Faye Wilkins

TRANSPORTATION AND ENVIRONMENT COMMITTEE AGENDA

1. **Approval of Minutes for September 27, 2010 Joint Transportation and Environment & Quality of Life Committee Meeting**

Action Taken/Committee Recommendation:

Motion was made to approve the minutes for the September 27, 2010 Joint Transportation and Environment & Quality of Life Meeting subject to corrections. No corrections were suggested and the minutes were approved as submitted.

Made by: Atkins

Seconded by: Hill

Passed unanimously

2. Discussion of Other Issues - Follow-up on DART's State Fair (Texas/OU) Transit Plan

Presenter: Gary Thomas, President/Executive Director, Dallas Area Rapid Transit

Mr. Thomas provided an overview of the successful transit operations for the Texas/OU weekend at the State Fair. Transit ridership was down slightly from the number of trips last year. He indicated that DART received comments that riders were impressed with the customer service. Many DART Board members, employees and volunteers worked the platforms and answered questions to get riders to their destinations.

Discussion/Committee Recommendation:

Ms. Koop congratulated the DART Board members and staff on developing a great transit plan.

Mr. Velasco, Chair of the DART Board, introduced the members of the DART Board and recognized Gary Thomas as the incoming Vice President of the American Public Transportation Association (APTA).

Mr. Allen recognized Mr. Dave Bradley, a supporter of DART in the audience.

3. Paratransit Services

Presenter: Gary Thomas, Executive Director/President, Dallas Area Rapid Transit

Mr. Thomas briefed the Committee on Mobility Management Services (formerly Paratransit Services) mandated by the Americans with Disabilities Act (ADA). Tammy Haenftling, AVP Paratransit Management Services, assisted in answering questions.

Action Taken/Committee Recommendation:

Ms. Koop asked what DART expects out of the Request for Information (RFI) and would someone have to submit an RFI in order to later submit a proposal to provide the service. Mr. Thomas stated that DART expects to get confirmation as to whether the proposed new service model will work. There are cities around the United States using a form of the new service model. Most paratransit services around the country are contracted out to private operators who use a supplemental service, or independent operators, to help cover peak demand periods. DART is currently looking at a system to allow the contractor to make that decision.

Mr. Atkins asked the potential savings for the new service model. Mr. Thomas indicated that they have looked at operating savings, and expect the vendors to be aggressive on how much could be saved on an annual basis. DART's Financial Plan anticipates saving approximately \$1.5 million per year in the operating budget. He added that since the new model requires the vendor to provide the vehicles, there would be an additional \$120 million savings in capital cost.

Mr. Atkins asked if there were a "Plan B" in place if the model does not work. Mr. Thomas stated that the contract would be similar to other service-related contracts; if the contractor failed to perform, DART would have contractual opportunities to

remedy their non-performance or terminate the contract.

Ms. Jasso stated that the bulk of customer complaints she hears about are due to dispatch and scheduling issues, and indicated that she is not in support of outsourcing those functions. She asked how many of the eight vendors looking at the RFI are local to the City. Mr. Thomas stated that Yellow Cab is the only vendor local to the City, while Veolia, the current contractor, has a presence in Dallas.

Mr. Allen also indicated that he disagreed with outsourcing the dispatch and scheduling functions.

Mr. Natinsky asked about the anticipated term for the new contract. Tammy Haentfling said that the contract would be for five to seven years. Mr. Natinsky suggested that with today's technology, he is not concerned about outsourcing the scheduling services to other countries as long as there is no language barrier; however, he is concerned with the interaction of responsibility between DART and the outside contractor and how that might affect the customer.

Ms. Hill stated that she is concerned about outsourcing dispatch and asked for an explanation of the bridge between where the dispatch is located and who will explain how Dallas works. Mr. Thomas stated the bridge will be the twenty DART employees who work on the program. He also indicated that the contractor may or may not decide to have local dispatch.

Ms. Hill asked what the rider will pay for the service and who will be responsible for the \$45 subsidy per passenger. Mr. Thomas stated the passenger will pay \$3 per one-way trip and the subsidy will be paid through the sales tax that DART receives for its operating revenue.

Mr. Caraway thanked DART staff and the DART Board members for their service. He stated that he has concerns with the impact of outsourcing services because it will eliminate positions; he wants to make sure that the proposed eliminated positions are not employees only a few years from retirement. Mr. Caraway asked about the status of the unpainted fence on the Lancaster Line. Mr. Thomas stated that the fence will be painted within the week.

No action was taken on this item.

4. Future Blue Line Extension (South Oak Cliff – 3) to UNT Campus

Presenter: Gary Thomas, Executive Director/President, Dallas Area Rapid Transit

Mr. Thomas provided an overview of the planned Blue Line rail transit extension (SOC-3) to the new UNT campus.

Action Taken/Committee Recommendation:

Ms. Koop stated that UNT plans to invest \$100 million over a number of years and expects to grow to approximately 20,000 students. She suggested the DART Board members tour the new UNT campus.

Mr. Atkins stated the potential for the area is substantial; there are approximately 270 acres available for development of the campus area and the economic impact will be over a billion dollars.

Ms. Hill asked for clarification about the source of the \$120 million allocated for the future blue line extension. Mr. Thomas stated that the \$120 million will be new debt and is dependent on sale tax collections over time. Ms. Hill stated she does not want to see the South Oak Cliff line postponed if the funding source is not available. She indicated that much of the economic development in the Southern Sector is dependent on when the extension opens and South Oak Cliff needs the same priority and economic development as other areas.

Ms. Koop indicated that development in new railcars could result in significant savings for this extension and requested a briefing on the new technology for railcars at a future meeting.

No action was taken on this item.

5. Downtown Dallas 360 Plan

Presenter: Peer Chacko, Assistant Director, Sustainable Development and Construction

Mr. Chacko briefed the Committee on Downtown Dallas 360, an action-oriented plan crafted to make the vision for Downtown Dallas a reality.

Action Taken/Committee Recommendation:

Ms. Davis referenced the map on slide 11 and commented that the presentation did not highlight all the wonderful projects that are occurring in the neighborhoods adjacent to and near Downtown.

Ms. Jasso liked many of the proposals in the presentation, but stressed that the guidelines and standards needed to achieve the plan must also be available to promote similar goals in other parts of the City.

Mr. Kadane asked if there are plans to privatize the Farmer's Market. Ms. Jordan stated that there are talks underway about privatizing the Farmer's Market. He also asked about the schedule for finalizing the Downtown Dallas 360 Plan. Mr. Chacko stated that the plan is expected to be finalized within the next two months and should be valid for approximately ten years after Council approval.

No action was taken on this item.

6. Upcoming Agenda Items

Addendum Item # 1 on October 13, 2010 City Council Agenda - Aviation Department

Authorize an amendment to the Love Field Food and Beverage Concession Contract with Dallas Love Field Joint Venture, Ltd. ("Concessionaire") – Estimated Revenue: \$4,057,192

Motion was made to recommend approval of Addendum Item #1 scheduled for full Council consideration on October 13, 2010.

Made by: Hill

Seconded by: Kadane

Passed unanimously

Addendum Item # 2 on October 13, 2010 City Council Agenda - Aviation
Department

Authorize an amendment to the Love Field Retail Merchandise Concession
Contract with Hudson Retail Dallas, J.V. ("Concessionaire") – Estimated
Revenue: \$1,938,799

Motion was made to recommend approval of Addendum Item #2 scheduled for
full Council consideration on October 13, 2010.

Made by: Hill

Seconded by: Kadane

Passed unanimously

Linda L. Koop, Chair
Transportation and Environment Committee

DRAFT

Memorandum

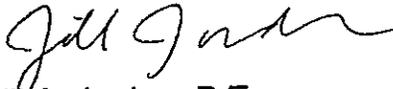


DATE October 22, 2010

TO Members of the Transportation and Environment Committee:
Linda Koop (Chair), Sheffie Kadane (Vice Chair), Jerry R. Allen, Tennell Atkins,
Carolyn R. Davis, Angela Hunt, Delia Jasso, Pauline Medrano, Ron Natinsky,
Vonciel Jones Hill

SUBJECT Three Pollutants of Concern: Ozone, Particulate Matter, and Mercury

On October 25, 2010 staff will present an informational briefing to the Committee on ozone, particulate matter, and mercury as part of air quality in the DFW area. Please find attached a copy of the presentation, and feel free to contact me if you need additional information.



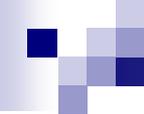
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Three Pollutants of Concern: Ozone, Particulate Matter, and Mercury

Presented to the
Transportation and Environment Committee
October 25, 2010





Purpose of Presentation

- Provide information on the pollutant Ozone and the current and proposed Ozone standard
- Provide information on the pollutant Particulate Matter (PM)
- Provide information on the pollutant Mercury

Federal Air Quality Standards

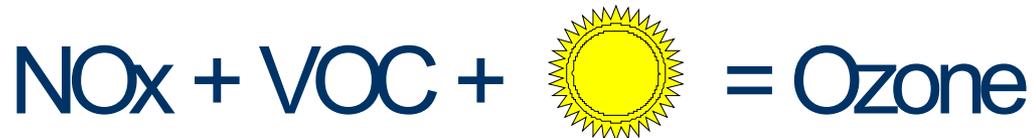
- Federal Clean Air Act: Passed in 1970; Amended in 1990
- Requires the Environmental Protection Agency (EPA) to establish health-based standards called National Ambient Air Quality Standards (NAAQS)
- Six Criteria Pollutants
 - Ground Level Ozone/Smog (O₃)
 - Particulate Matter (PM)
 - Nitrogen Dioxide (NO₂)
 - Sulfur Dioxide (SO₂)
 - Carbon Dioxide (CO)
 - Lead



Ozone and Air Quality Standard

Ground-Level Ozone

Forms when nitrogen oxides (NO_x) and volatile organic compounds (VOCs) mix in the presence of sunlight



Sources of NOx and VOCs

■ Primary sources of NOx:

- Cars, trucks, and marine vessels
- Construction equipment
- Power generation
- Industrial processes
- Natural gas furnaces

■ Primary sources of VOCs:

- Gasoline stations
- Motor vehicles, airplanes, trains, boats
- Petroleum storage tanks
- Oil refineries

Health Effects

- Health effects can include:

- Shortness of breath
- Coughing or wheezing
- Headaches
- Nausea
- Throat and lung irritation

- Particularly impacts:

- Children
- People with lung disease
- Active adults

DFW and Attainment of Ozone Standard

- **Eight-Hour Ozone Standard:**
 - Current ozone standard set by the EPA is 85 parts per billion (ppb)

- **DFW Violation of Ozone Standard:**
 - DFW 9-county region was a moderate non-attainment area for ozone and had until June 2010 to meet the standard

 - 2007-2009 ozone season data evaluated = 86ppb
 - (3-year average of each year's 4th highest reading at any area monitor equals or exceeds 85 ppb)

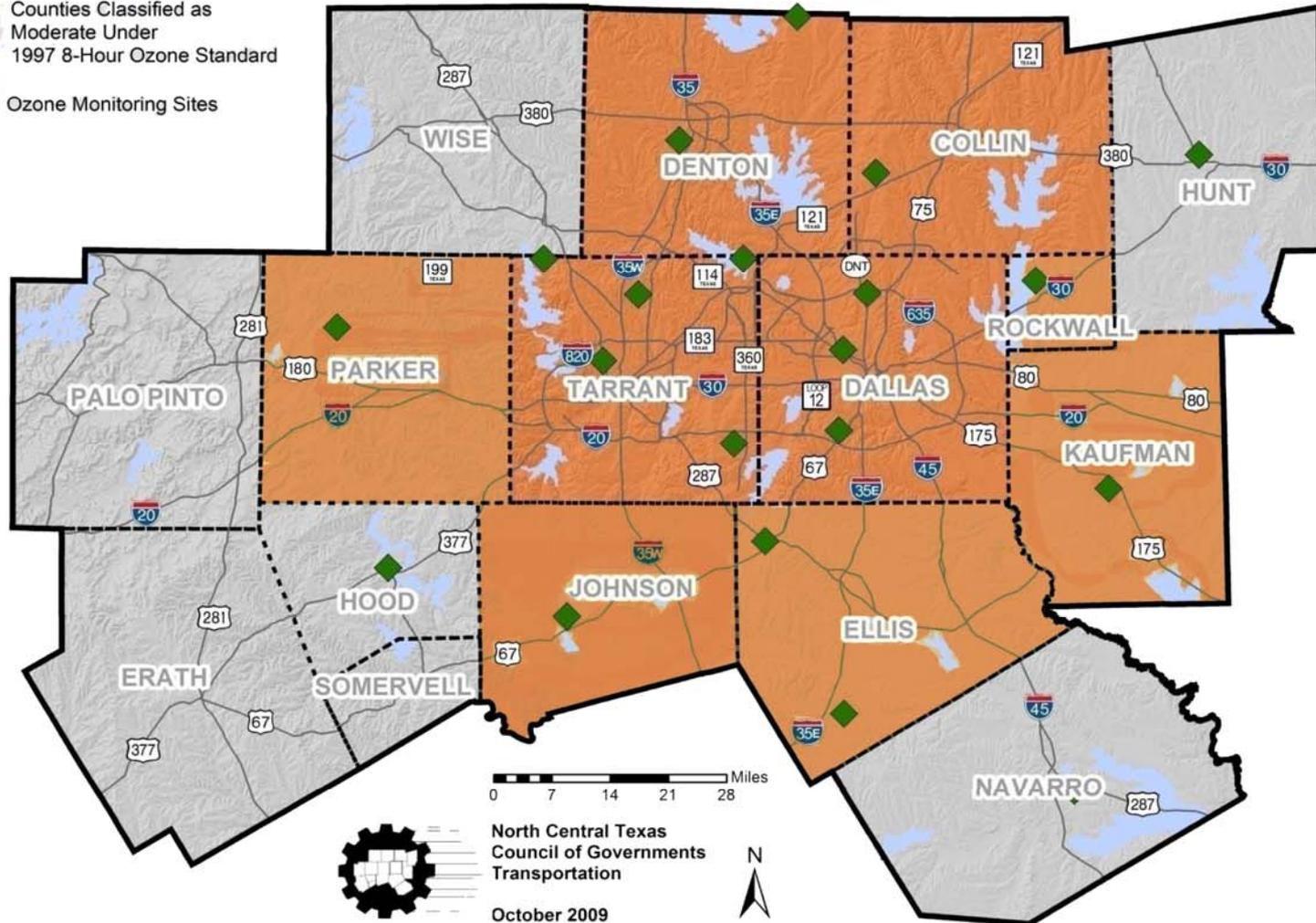
 - August 9, 2010: EPA issued a determination of non-attainment for the DFW area and proposed the area be bumped up from moderate to severe with a new attainment date of June 15, 2013
 - 2010-2012 ozone season data will be evaluated to determine attainment

CLASSIFICATION OF NONATTAINMENT AREA

8-Hour Ozone Counties

Legend

- Counties Classified as Moderate Under 1997 8-Hour Ozone Standard
- Ozone Monitoring Sites



Significance of Moving from Moderate to Serious Non-Attainment Status

- Reclassification from Moderate to Serious results in more stringent strategies for reducing emissions:
 - Sources that emit more than 50 tons per year required to add more technology to reduce emissions
 - Additional Volatile Organic Compound reductions required
 - Emission standards required for fleet vehicles (defined as 10 or more vehicles) or State has option to implement a program resulting in equivalent emissions reductions
 - Advanced inspection and maintenance program for vehicles
 - Additional transportation control measures
 - More advanced monitoring

State Implementation Plan

Purpose:

- Plan to reduce pollution to meet health-based standards
- Sets control strategies for reducing emissions
- Applies to areas not meeting federal air quality standards
- Sets technical/regulatory process for demonstrating attainment

State Implementation Plan

Components:

- Monitoring Data
- Emissions Inventory
- Photochemical Modeling
- Control Strategies
 - Area – bakeries, paint shops, dry cleaners
 - Non-Road – construction, aircraft, locomotive, lawn & garden
 - On-Road – cars, trucks, and buses
 - Point – cement and power plants

Proposed Schedule for DFW Region Serious Non-Attainment Area

- **August 2010:** Proposed rulemaking for determination of non-attainment and bump up to serious
- **December 2010:** Final rulemaking
- **January 2012:** State Implementation Plans (SIPs) due
- **March 2012:** Implementation of all control measures in SIP
- **June 2013:** Serious Area Attainment Date (Data from Ozone Seasons 2010, 2011, and 2012 to be evaluated)

Potential Consequences of Violation

- Loss of highway funds
- Loss of Community Development Block Grant funds
- Stricter permit limits
- Health impacts

Next Ozone Standard

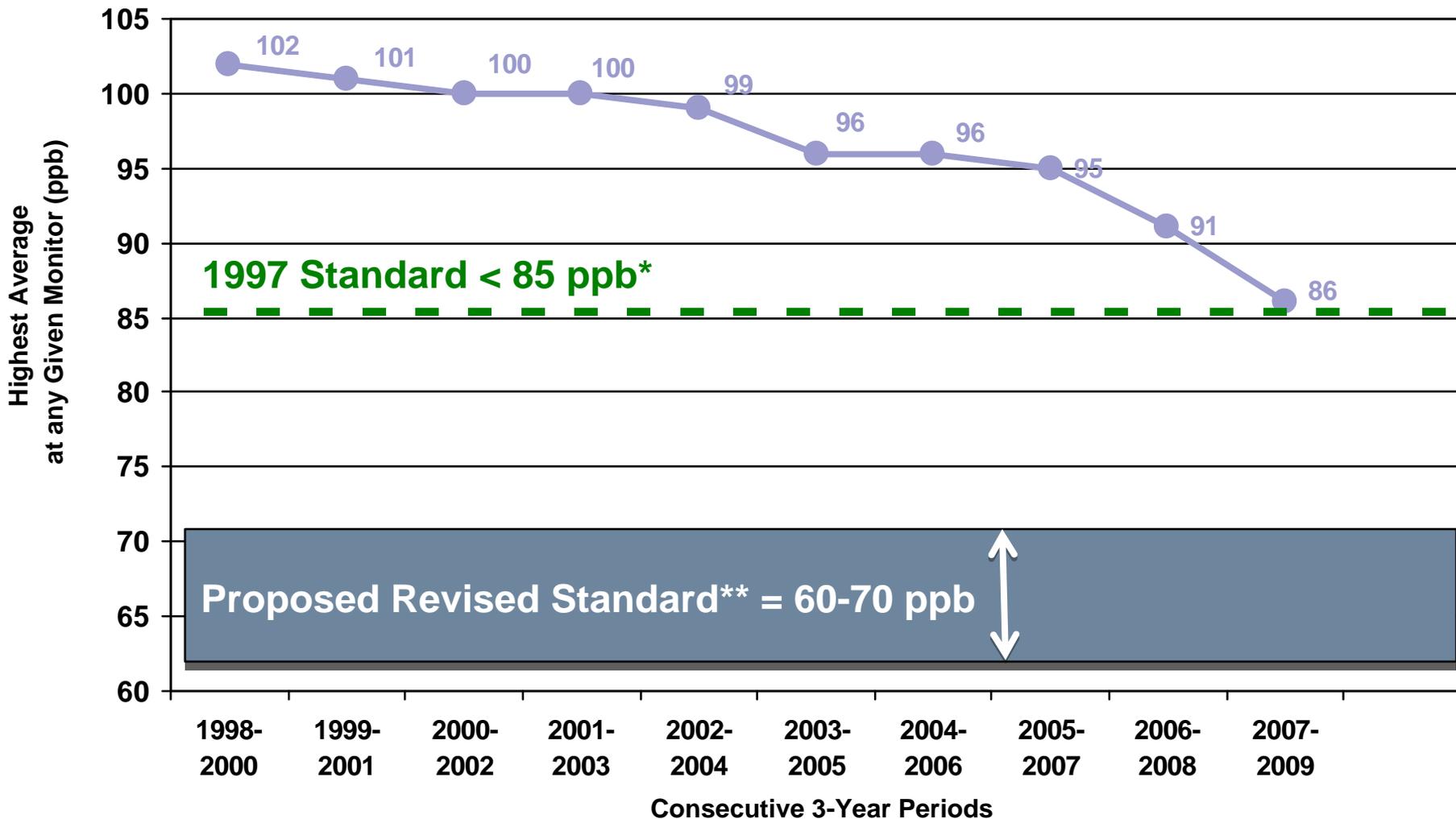
- New ozone standard was published on January 6, 2010, for public comment
 - City of Dallas commented on standard
 - Final ozone standard will be issued in October 2010
- Primary Ozone Standard
 - Designed to protect health
 - EPA proposal to lower the primary ozone standard to between .06-.07 ppm (60 to 70 ppb)
- Secondary Ozone Standard
 - Designed to protect vegetation and ecosystems
 - EPA proposal to establish a distinct “secondary” standard at 7-15 ppm
 - Previously, primary and secondary standards were identical
 - Currently, Dallas County meets secondary ozone standard (14 ppm)
 - Other counties in DFW do not meet standard

Proposed Schedule for New Ozone Standard Implementation

- **October 2010:** EPA will issue final standards for ozone
- **January 2011:** States make recommendations for areas to be designated attainment, non-attainment or unclassifiable
- **July 2011:** EPA makes final area designations
- **August 2011:** Designations become effective
- **December 2013:** State Implementation Plans, outlining how states will reduce pollution to meet the standards, are due to EPA
- **2014 to 2031:** States are required to meet the primary standard, with deadlines depending on the severity of the problem

2010 OZONE SEASON UPDATE

8-Hour Ozone Historical Trends



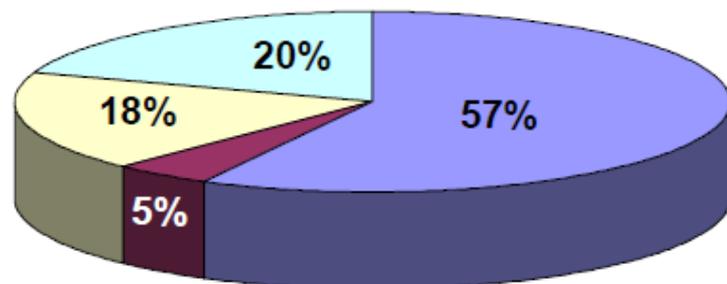
* 2010 Attainment Goal - According to the US EPA National Ambient Air Quality Standards, attainment is reached when, at each monitor, the three-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration is less than 85 parts per billion (ppb).

** Primary Ozone Standard is currently under reconsideration by the EPA and will likely be final in October 2010 to between 60 and 70 ppb.

NORTH CENTRAL TEXAS AIR QUALITY

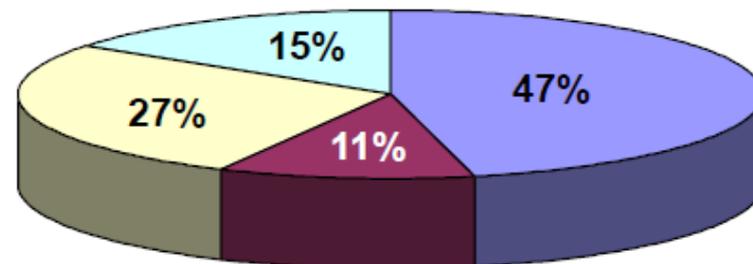
Past, Present, Future NOx Projections

1999



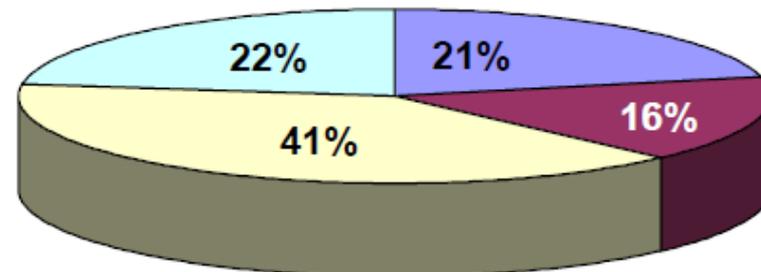
Source: TCEQ; DFW SIP, pg. B-5

2009

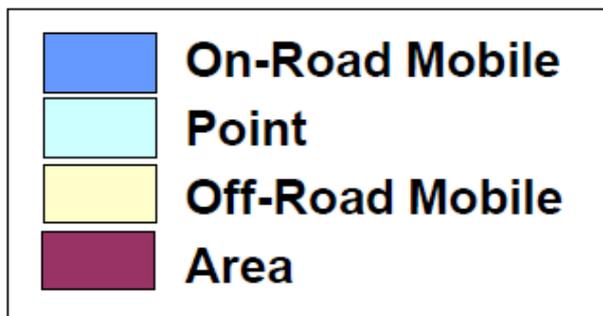


Source: TCEQ; DFW SIP, pg. B-7

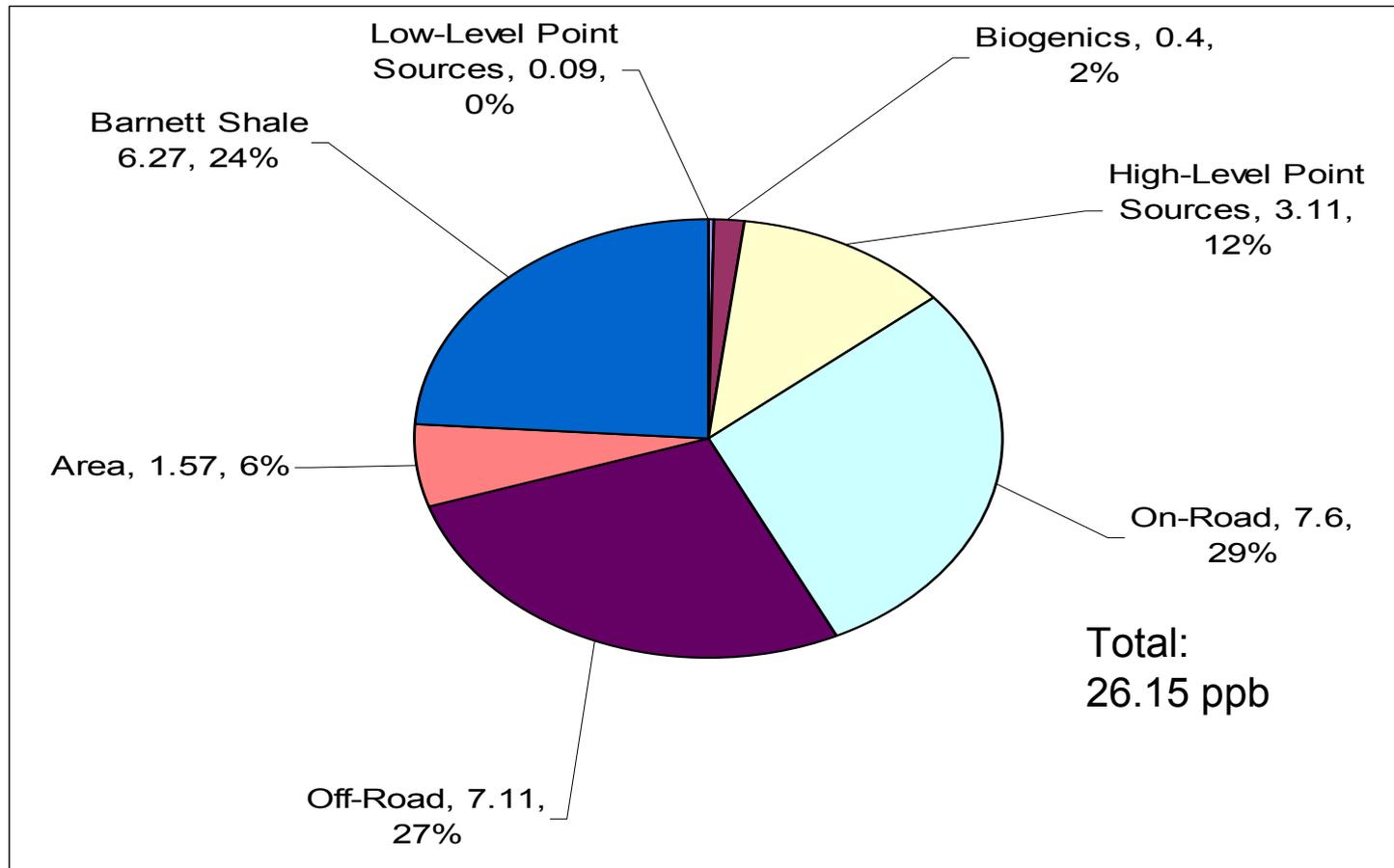
2019



Source: NCTCOG Forecast



2012 9-County NOx Emissions Inventory: Source Category Estimates



City Initiatives to Reduce Emissions Contributing to Ozone

Alternative fuels/engines:

- 38% percent (approximately 1,900 vehicles) of City of Dallas fleet running on alternative or cleaner fuels, including compressed natural gas, biodiesel or hybrid
- City operates two public access compressed natural gas (CNG) vehicle fueling facilities
- City also uses biodiesel with an additive to reduce emissions of Nitrogen Oxide (NOx)
- Early user of Texas Low Emission Diesel (TxLED) and biodiesel

City Initiatives to Reduce Emissions Contributing to Ozone

Energy:

- All new City facilities built over 10,000 square feet are LEED silver certified buildings
- City has met the goal of 5% energy reduction per year for the past five years
- For the past three years, the City has purchased 40% of the City's power needs from renewable sources
- City Council voted in June 2010 to continue purchasing 40% of the City's power needs from renewable sources
- City Council passed a green building policy for residential and commercial construction
 - Phase I began October 2009
 - Phase II begins October 2011

City Initiatives to Reduce Emissions Contributing to Ozone

Air Quality:

- Idling ordinance for vehicles over 14,000 pounds during ozone season
- Cement purchasing policy
- Texas Clean Air Cities Coalition
- US Mayor's Climate Change Agreement signatory
- TERP/Air Check Texas staff member
- Dallas Sustainable Skylines Initiative (DSSI) – Partnership with EPA and Council of Governments
 - Green taxis (Grants will be awarded to fund 285 green taxi's)
 - Green affordable homes
 - Renewable energy
 - Urban heat island
 - Lawn mower exchange program
- City of Dallas ordinance provides a “head of the line” incentive for taxicabs at Dallas Love Field Airport that run on compressed natural gas (cng) (~80 CNG cabs at Airport)



Particulate Matter

Particulate Matter (PM)

- Defined as a mixture of solid particles and liquid droplets found in the air

- Two Main types:
 - *Primary Particles*: emitted directly from sources such as construction sites, unpaved roads, fields, smokestacks or fires
 - *Secondary Particles*: forms in complicated reactions in the atmosphere of chemicals such as sulfur dioxides and nitrogen oxides that are emitted from power plants, automobiles, and industries
 - Particulate matter is measured by size of the suspended particles: 10 microns or less is referred to as PM₁₀; 2.5 microns or less is referred to as PM_{2.5}

(Source: Environmental Protection Agency (EPA))

Health and Environmental Effects of Particulate Matter

■ Health Effects

- Irritation of the airways, coughing, or difficulty breathing
- Decreased lung function
- Aggravated asthma
- Development of chronic bronchitis
- Irregular heartbeat
- Nonfatal heart attacks
- Some cancers

■ Environmental Effects

- Visibility reduction
- Increased acidity of lakes and streams
- Nutrient balance changes in coastal waters and river basins
- Decreased levels of nutrients in soil
- Damage to forests and crops
- Decreased diversity in ecosystems
- Damage to stone and other materials

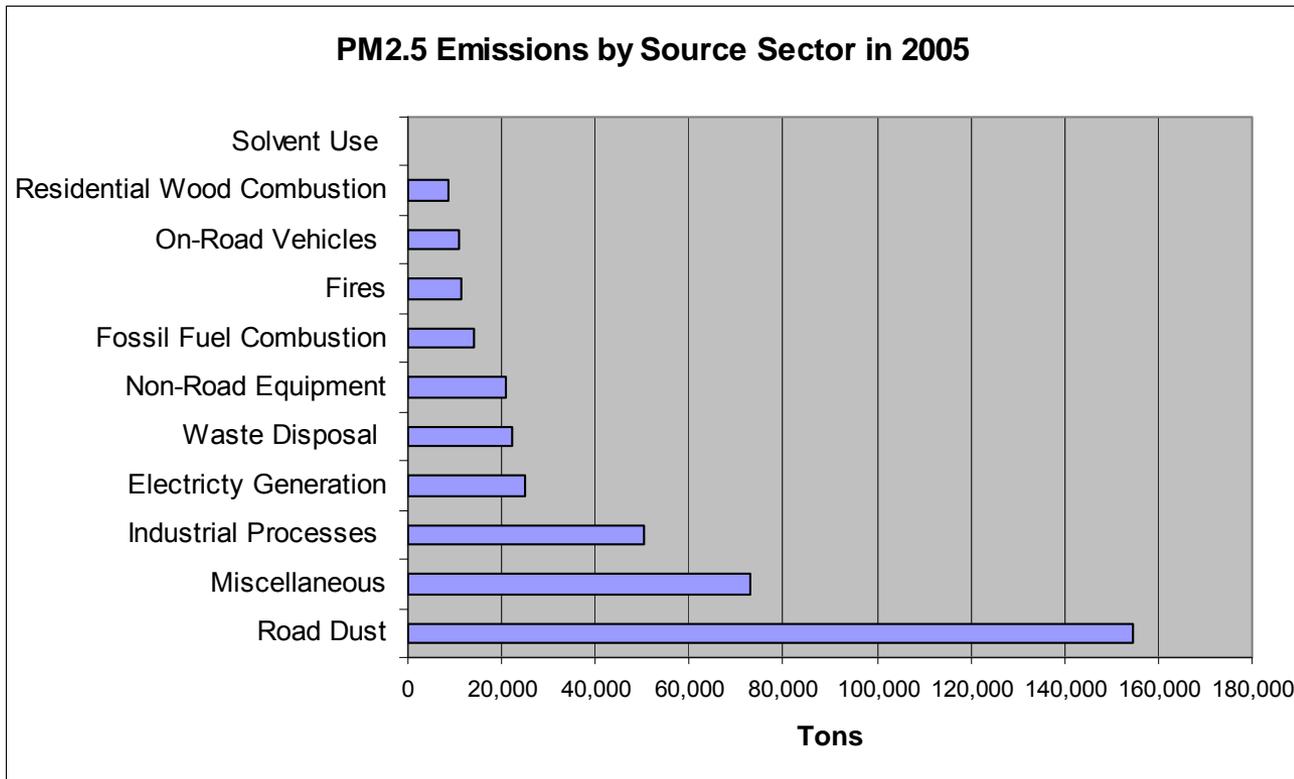
Federal Standards for Particulate Matter

- National standards for particulate matter were first set in 1971
- Most recent revision of standard was in 2006; standard was strengthened for 24-hour fine particle (PM_{2.5}) standard
- Current federal standard for particulate matter is:
 - 24-hour inhalable coarse particle (PM₁₀) standard is 150 micrograms per cubic meter (µg/m³)
 - 24-hour fine particle (PM_{2.5}) standard is 35 µg/m³
 - Annual fine particle standard (PM_{2.5}) is 15 µg/m³
- Dallas-Fort Worth area currently meets the national particulate matter standard:
 - 24-hour PM₁₀ design value for Dallas County (2006-2008): No Exceedances¹
 - 24-hour PM_{2.5} design value for Dallas County (2006-2008): 23 µg/m³
 - Annual PM_{2.5} Design value for Dallas County (2006-2008): 10.9 µg/m³

Source: EPA

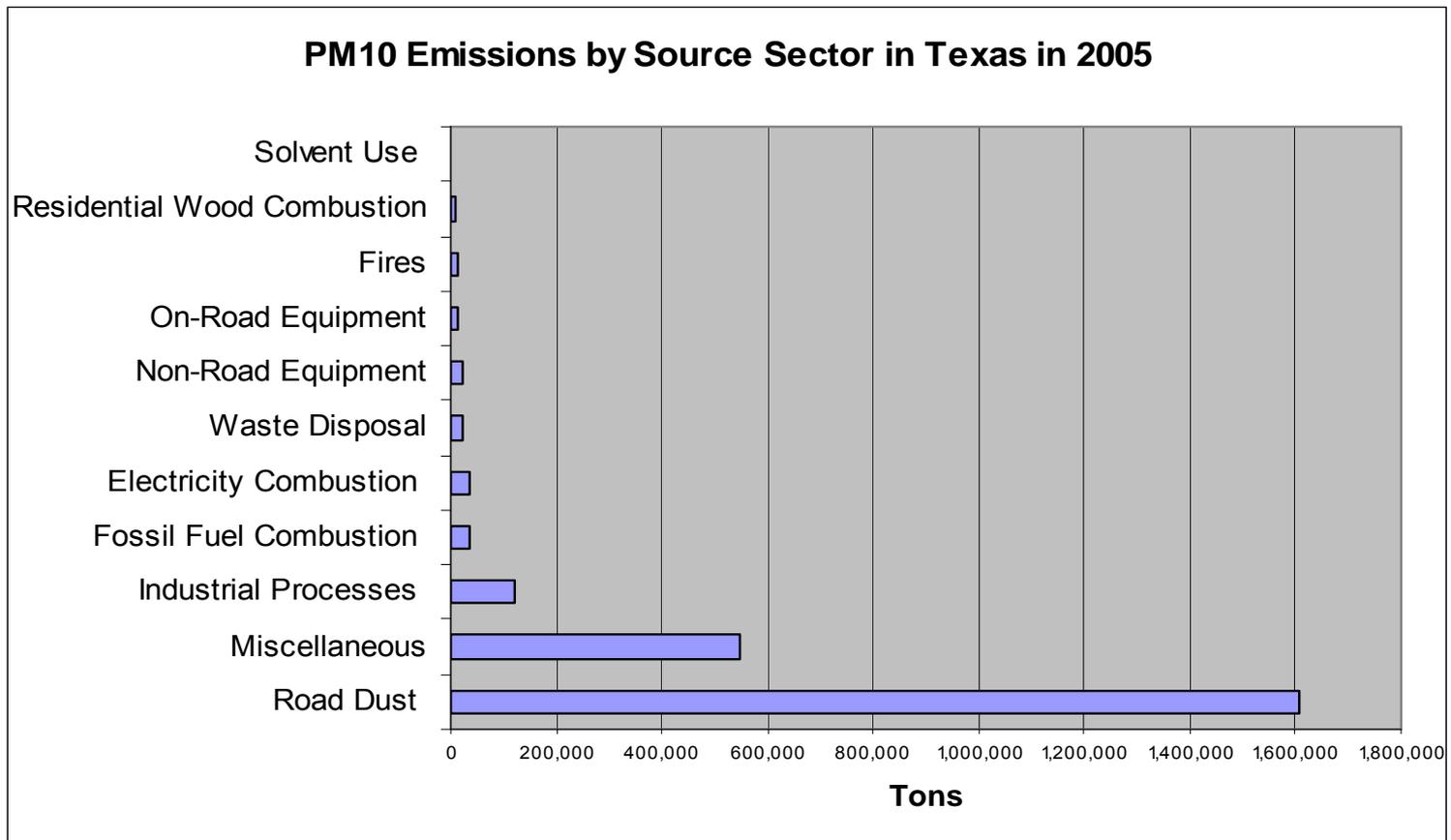
¹ EPA calculates design value for PM₁₀ based on exceedances. A county cannot exceed more than once in 3 years. According to TCEQ, which submits monitoring data to EPA, Dallas County has not exceeded the federal design value of 150 (µg/m³)

PM_{2.5} Emissions by Source for Texas



Source: EPA

PM₁₀ Emissions by Source for Texas



Source: EPA

Do EPA Standards for Particulate Matter Protect Public Health?

- In September 2006, EPA announced new air quality standards for particulate matter:
 - PM2.5: strengthened daily standard by almost 50% (from 65 $\mu\text{g}/\text{m}^3$ to 35 $\mu\text{g}/\text{m}^3$); retained previous annual standard of 15 $\mu\text{g}/\text{m}^3$
 - PM10: retained daily standard; revoked annual standard
- American Medical Association, American Lung Association, pediatricians, environmentalists, had recommended annual PM2.5 standard of between 12 to 14 $\mu\text{g}/\text{m}^3$
- The Clean Air Scientific Advisory Committee (CASAC) provides scientific advice to the EPA before the agency revises standards; CASAC recommended annual PM2.5 standard of either 13 or 14 $\mu\text{g}/\text{m}^3$ based on study showing that a reduction in the annual PM2.5 annual could prevent as many as 30,000 premature deaths
- Environmental Community legally challenged EPA on standards:
 - February 2009, U.S. Court of Appeals for the D.C. Circuit held that
 - Scientific evidence did not support EPA's PM standards, which violated the Clean Air Act
 - Proper reasoning was not provided for rejection of CASAC recommendations
 - Court did not annul standards

Next Steps for PM Standards

- EPA must review Clean Air Act Standards every 5 years
- EPA has initiated review process of PM standards
- Next standard expected to be published in Fall 2011

City of Dallas Initiatives for Reducing Particulate Matter

- Alternative Fuels: 38% of the City's fleet is alternative-fueled or hybrid
- Idling Ordinance: City Ordinance prohibiting vehicle operators with a gross weight over 14,000 pounds to idle for more than 5 minutes during ozone season



Mercury

Mercury

- Naturally occurring element found in air, water, and soil
- Largest source of mercury emissions is from coal burning power plants
- Health Effects
 - Can harm the brain, heart, kidney, lungs and immune system
 - Can damage central nervous system of babies and young children

Mercury-Specific Laws and Regulations

- Mercury Export Ban of 2008 – establishes provisions for mercury exports and long-term mercury management and storage
- Mercury-Containing and Rechargeable Battery Act of 1996 – phases out the use of mercury in batteries

Mercury-Specific Laws and Regulations

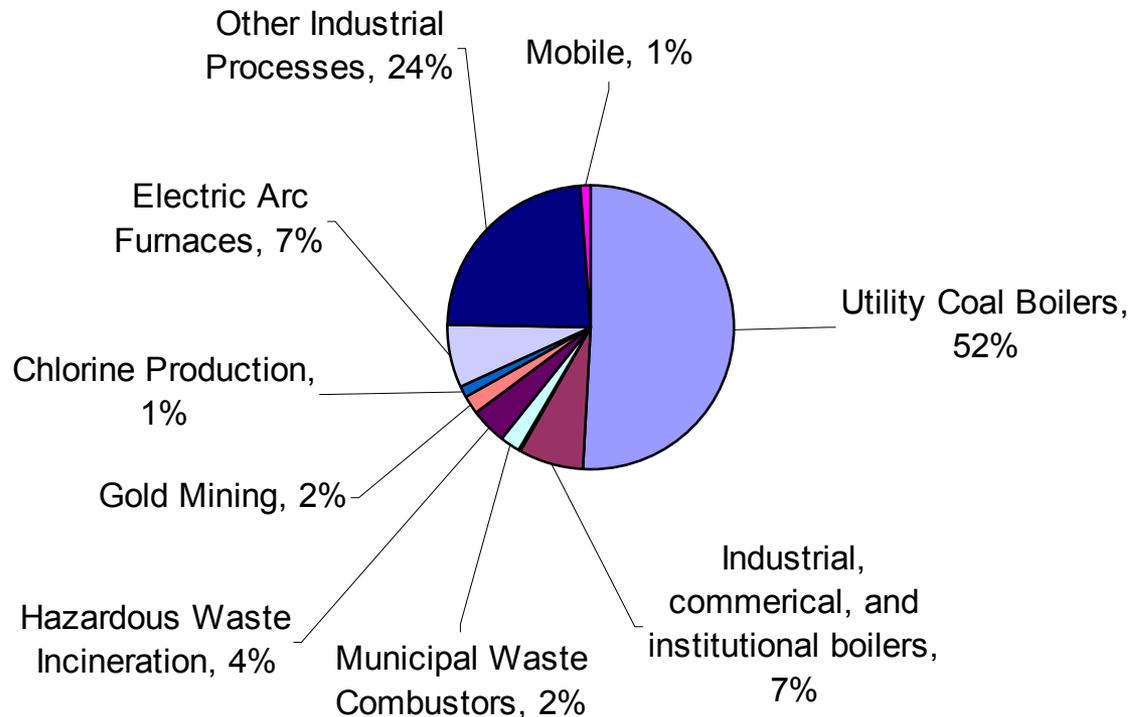
- Clean Air Act - includes mercury standards for sources that emit toxics
 - These sources must obtain permits and comply with emissions standards set by EPA
- To date there is no national regulation to limit mercury pollution like there is for Ozone and PM (which are criteria pollutants)
- The EPA is working on a mercury reduction rule for power plants
 - Has agreed in a court settlement to complete rule by November 2011
- The EPA is also working on regulations for mercury and other toxic air emissions from other sources, such as cement plants and industrial boilers
- In 2005, the EPA adopted a cap-and-trade scheme of tradable mercury emission allowances but a federal court ruled that it did not comply with the Clean Air Act and threw it out in 2008

Permitting in Texas

- Sources in Texas must obtain permits from the TCEQ and comply with emissions standards set by EPA
 - Entities report estimated emissions in the permit to TCEQ for criteria pollutants (NO_x and PM) as well as for Mercury on a lb/hr basis and/or yearly basis depending on source
- June 2010: EPA announced final disapproval of TCEQ's flexible permit program citing that it does not meet Clean Air Act requirements to protect health and environment
 - Flexible permitting allows companies to avoid certain federal Clean Air Act requirements by lumping emissions from multiple units under a single "cap" vs. setting specific emission limits for individual sources at plants

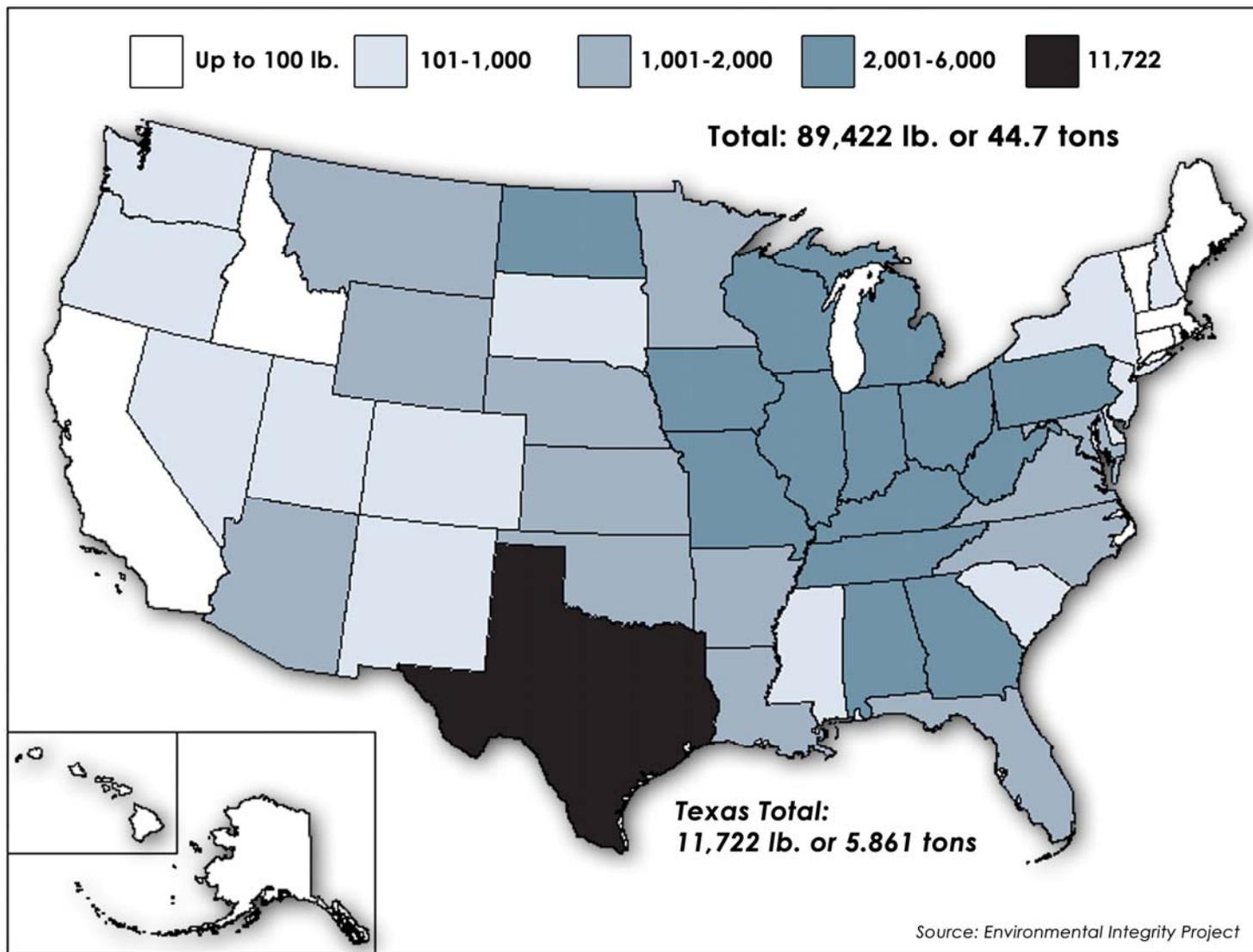
Emission Sources of Mercury in the U.S.

Mercury Emissions in the U.S. by Source Category



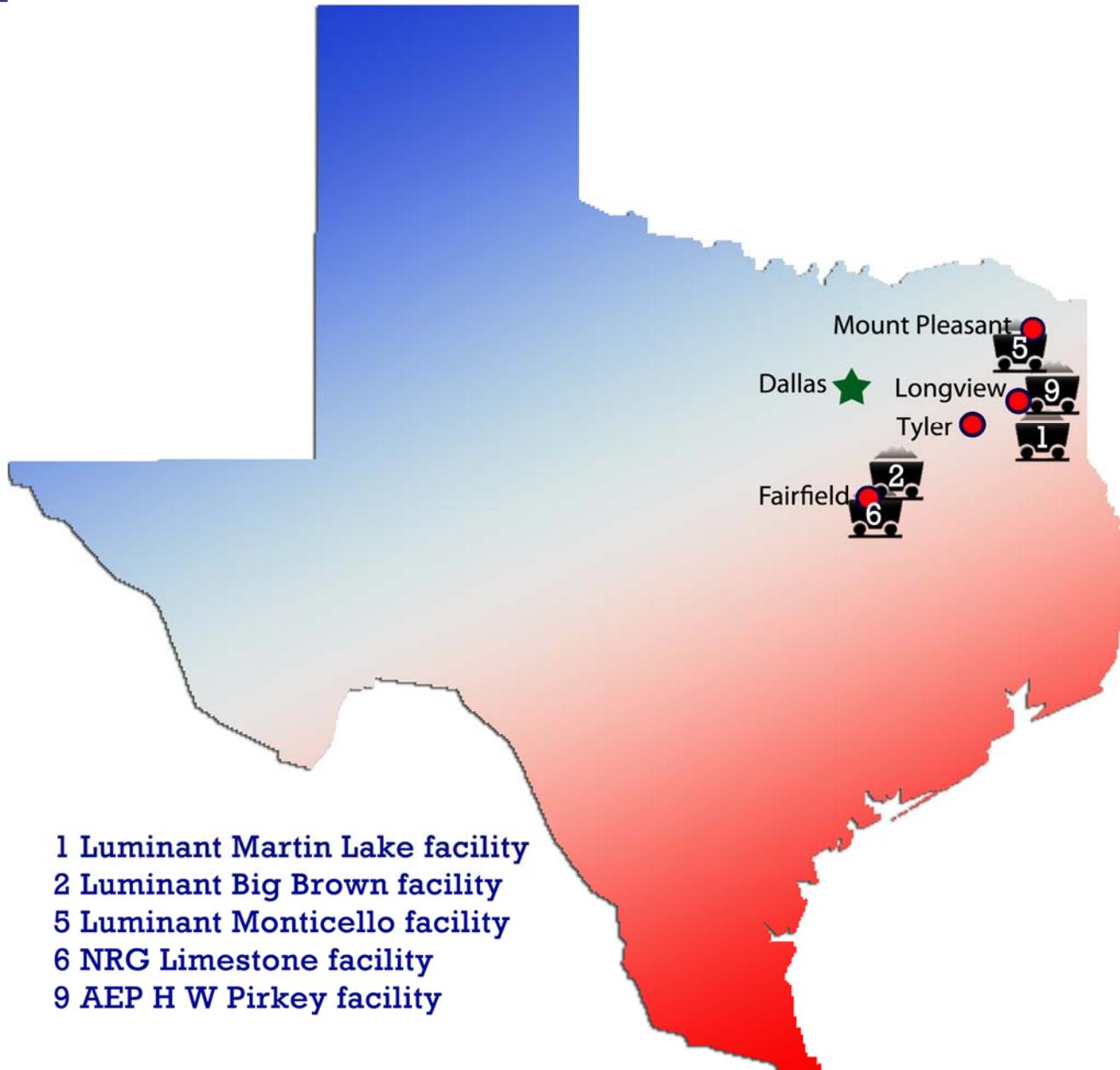
Mercury Pollution

Emissions of mercury, a toxic metal, by state, in pounds, 2008:



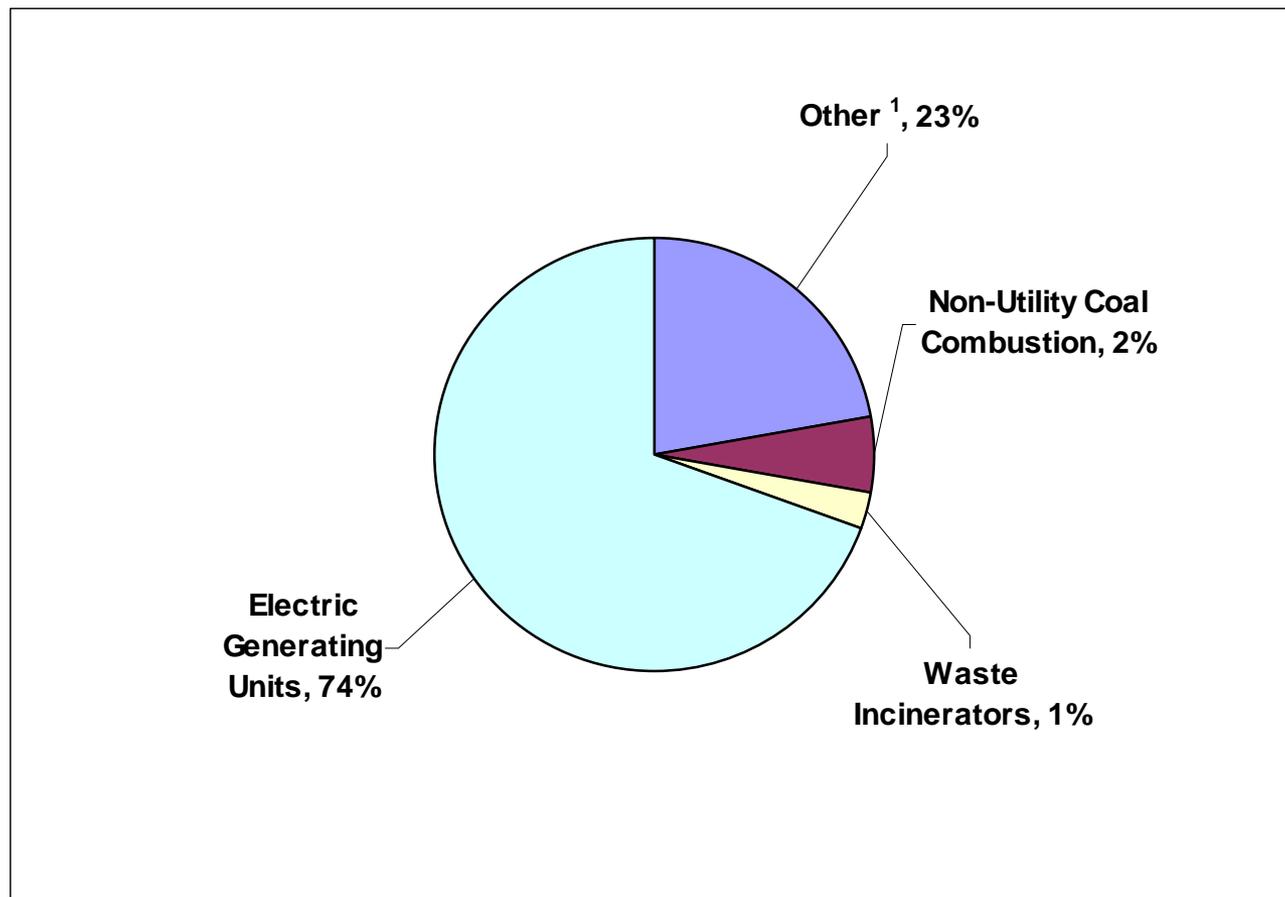
Texas and Mercury Emissions

- The largest mercury emitter among power plants in the U.S. is the Luminant Martin Lake facility located in Rusk County, Texas
- Five of the ten largest power plant mercury air pollution sites in the nation are located in Texas



- 1 Luminant Martin Lake facility
- 2 Luminant Big Brown facility
- 5 Luminant Monticello facility
- 6 NRG Limestone facility
- 9 AEP H W Pirkey facility

Man-Made Emission Sources of Mercury in Texas



¹ According to the TCEQ, other includes mobile, iron/steel, cement plants and other organic plant sources

Source: TCEQ 2006

City of Dallas Initiatives for Reducing Mercury

- Texas Clean Air Cities Coalition (TCACC)
 - 37 Member Cities, Counties, and School Districts
 - Concerned about impacts of proposed power plants in their communities, the Mayors of Dallas and Houston formed a coalition to participate in permitting process
 - Successes of Coalition
 - Formation of state's first united coalition of local governmental entities and elected officials concerned with state's air quality issues
 - National attention brought to environmental and health effects of pulverized coal fired power plants
 - First large scale cumulative ozone air modeling effort in Texas
 - Climate change and carbon dioxide allowed to be considered in permitting process
 - Milestone agreement with NRG resulting in commitments related to emissions of greenhouse gas carbon dioxide, nitrogen oxide, sulfur dioxide, and mercury as well as reductions in water usage

Future Initiatives to Address Pollutants

- Ozone:
 - City participates in Regional Air Quality Management Committee to work on SIP issues (North Texas Clean Air Steering Committee)
- Particulate Matter and Ozone: City of Dallas is currently participating in the North Central Texas Council of Governments pilot program to test a clean construction policy in City bids
- Mercury: City of Dallas to remain a leader of Texas Clean Air Cities Coalition (TCACC)



Questions?

Memorandum



DATE October 22, 2010

TO Members of the Transportation and Environment Committee:
Linda Koop (Chair), Sheffie Kadane (Vice Chair), Jerry R. Allen, Tennell Atkins, Carolyn R. Davis, Vonciel Jones Hill, Angela Hunt, Delia Jasso, Pauline Medrano, Ron Natinsky

SUBJECT The Path to 2060: The Lake Palestine Connection – Water Utilities Department

Attached is a briefing that will be presented to the Transportation and Environment Committee on Monday, October 25, 2010, which will provide an update on the status of connecting Lake Palestine to the City's water supply system.

Please let me know if you have any questions or need additional information.

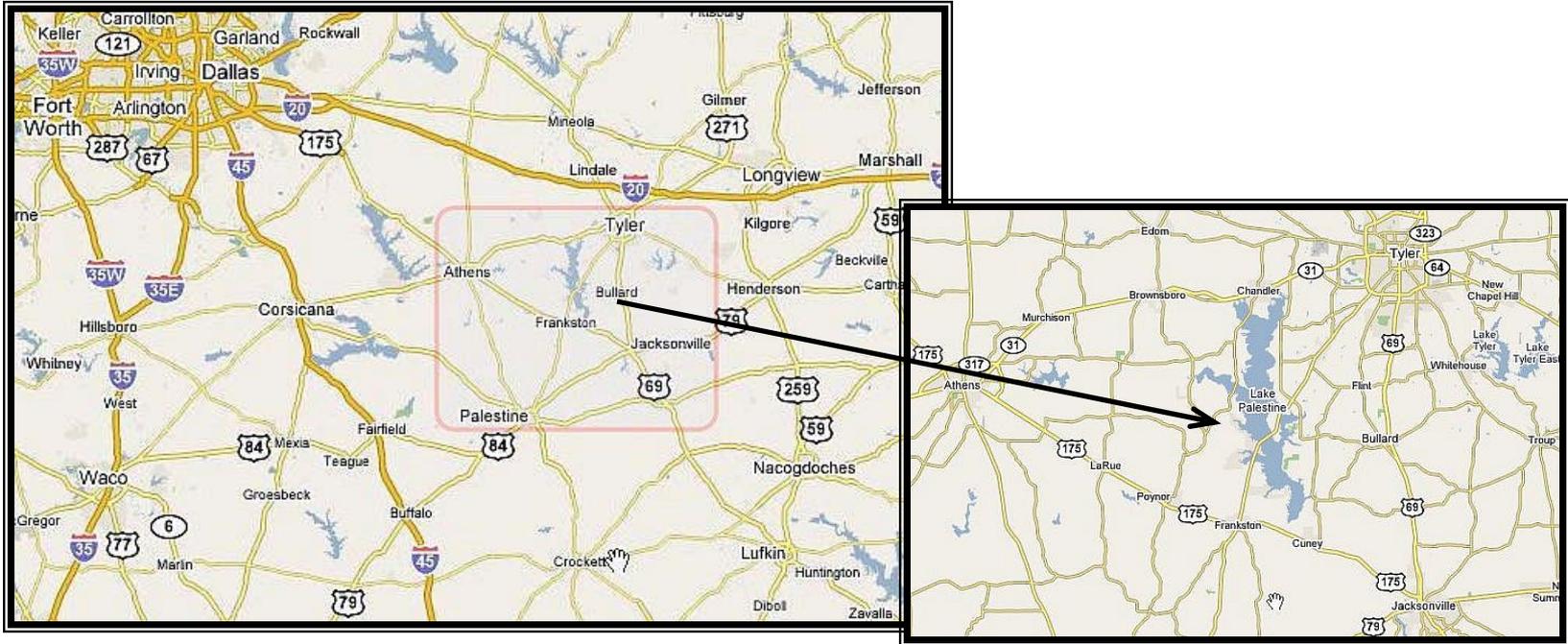


Ryan S. Evans, P.E.
First Assistant City Manager

Attachment

c: The Honorable Mayor and Council
Mary K. Suhm, City Manager
Thomas Perkins, City Attorney
Deborah Watkins, City Secretary
Craig D. Kinton, City Auditor
Judge C. Victor Lander, Administrative Judge
Jill A. Jordan, P.E., Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Forest E. Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Edward Scott, Director, Controller's Office
Frank Libro, Public Information Office
Jo M. Puckett, P.E., Director, Dallas Water Utilities
Helena Stephens-Thompson, Assist to the City Manager – Council Office

The Path to 2060: The Lake Palestine Connection



**Transportation and
Environment Committee**

October 25, 2010



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Purpose of Briefing

- Provide overview of Integrated Pipeline Project
- Describe benefits of the ongoing partnership with Tarrant Regional Water District (TRWD)
- Outline the agreements needed with TRWD for the Integrated Pipeline (IPL)
 - Second amendment to Interlocal Cooperation Contract (ICC) to formalize procurement practices
 - Water Transmission Facilities Financing Agreement
 - Integrated Water Transmission Facilities Delivery Contract

Outline

- Background
- Integrated Pipeline Project
 - Overview
 - Benefits
- IPL Agreements
 - Second Amendment to ICC
 - Financing Agreement
 - Delivery Contract
- Recommendation
- Appendix
 - Interlocal Cooperation Contract
 - Procurement Procedures
 - Financing Agreement
 - Delivery Contract
 - Tarrant Regional Water District
 - Pipeline Design Contracting



Background

Planning Efforts



White Rock Lake 1950

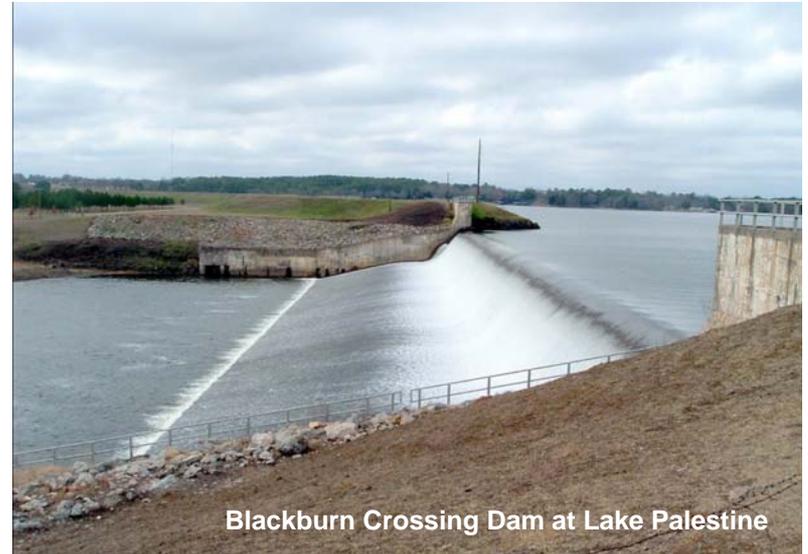


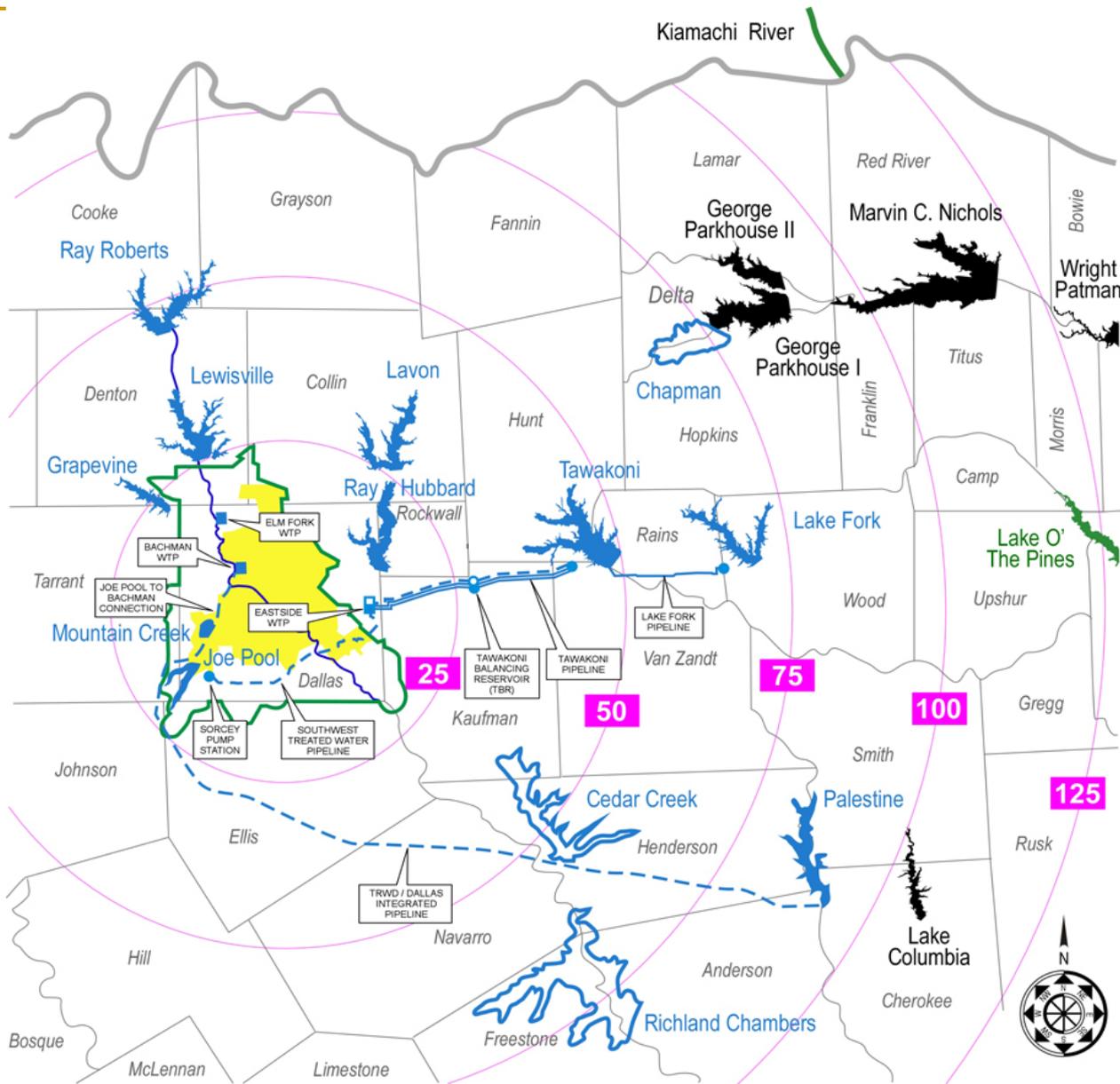
Lewisville Lake 2000

- Since 1822, at least one drought has hit somewhere in Texas every decade
- Severe drought from 1951 – 57 resulted in a series of Long Range Plans: 1959, 1974, 1989, 2000, and 2005
- Dallas' planning processes have successfully met the City's needs since the 1950s
- The State has issued Dallas water permits that have allowed Dallas and the surrounding area to prosper
- Dallas participates in the State's regional planning process as part of the Region C Planning Group
- Increased conservation efforts undertaken
- Significant additional supply will be required to meet the needs of the City to the year 2060 and beyond

Implementation of Long Range Plans

- As a result of the City's planning processes, the following lakes were constructed:
 - Lake Grapevine (1952)
 - Lake Lewisville (1955), expanding Lake Dallas
 - Lake Tawakoni (1964)
 - **Lake Palestine (1971)**
 - Lake Ray Hubbard (1973)
 - Lake Ray Roberts (1989)
- The 1959 study recommended that Dallas supply water to surrounding cities
- Later studies encouraged Dallas to develop aggressive water conservation and reuse plans, connection of reservoirs to Dallas' system and revisions in Dallas Water Utilities' water supply planning area—actions that have been implemented and/or are ongoing
- The 2005 update study recommended additional reuse and conservation measures, as well as the construction of Lake Fastrill and the reallocation of the Wright Patman Lake flood pool





LEGEND

- Water Service Area
- Water Sources
- Other Reservoirs
- Alternate Dallas Strategy (existing reservoirs)
- Alternate Dallas Strategy (proposed reservoirs)
- Water Treatment Plant
- Existing Facilities
- Future Facilities
- Existing Pipeline
- Future Pipeline

13oct10

Dallas Water Supplies and Strategies

Integrated Pipeline Project

On-going Partnership with TRWD

- Dallas City Council authorized an Interlocal Cooperation Contract (ICC) on March 28, 2007 with TRWD that:
 - Allows Dallas to share the cost of water transmission from distant sources
 - Provides the framework for increasing the reliability of water supplies for Dallas
 - Provides the ability for Dallas to obtain interim and emergency water supplies
- Added cooperative efforts for Oklahoma Water Development in October 2008

Integrated Pipeline (IPL) Project

- Dallas has contractual water rights in Lake Palestine
- Tarrant Regional Water District (TRWD) has water rights in Cedar Creek Reservoir and Richland Creek Reservoir
- IPL will interconnect Dallas and TRWD supplies
 - Dallas needs additional water supply in the 2015-2025 time period
 - Connecting Lake Palestine extends supplies approximately 10 years to 2035
 - TRWD needs additional water in 2018



IPL Project Benefits

- Allows Dallas to share the cost of water transmission from distant sources
 - Dallas Estimated Share – \$832M
 - Estimated Cost Savings for Dallas
 - Capital cost - \$196M
 - Revenue requirement for coverage of O&M versus debt payment – average of approximately \$20M per year or 33% over the life of the bonds
- Sets the stage and tone for future regional partnerships
- Good Faith Effort - M/WBE Participation Goal
 - Attachment to ICC through Second Amendment
 - 25% overall goal

IPL Agreements:

Second Amendment to ICC

New Financing Agreement

New Delivery Contract

ICC Second Amendment: Fair Opportunity Purchasing and Contracting

- Additional article to address Fair Opportunity Purchasing and Contracting establishes:
 - A joint procurement and contracting policy for the IPL Project with a specific goal
 - Guidelines for the development of joint procurement and contracting policies for future projects' specific goals
 - Includes City of Dallas contract compliance staff person to *jointly* determine and approve project/contract compliance with policy
- Includes additional funds to finalize the funding of the preliminary engineering of approximately \$1.4M

Financing Agreement: Key Principles

- Dallas' Reserved Capacity Rights in IPL – 150 MGD
- Development, ownership, operation – TRWD
- Financing - TRWD
- Allocation of Costs – Maximize benefits, equitably distribute costs
- Project Governance – Project Coordination Group – 3 members from Dallas
- Water Rights Ownership – Retained

Delivery Contract Key Principles

- O&M Costs equitably distributed based on Dallas' "Reserved Capacity Rights" of 150 MGD
- Annual budget reviewed by City
- Two way settle up clause
- Dallas to identify delivery point and to specify volume and timing of delivery
- Project Governance - Same as Financing Agreement
- Delivery contract includes
 - Cost Allocation Manual (CAM) – methodology of equitable distribution of O&M costs
 - Operational Guidelines

Recommendations

- Schedule:
 - November 10, 2010, City Council Meeting
 - Amend Interlocal Cooperation Contract
 - Approve Fair Opportunities Purchasing/Contracting Policy
 - Authorize \$1.4 Million to finalize Preliminary Design Study
 - Financing Agreement to fund Dallas' 150 MGD capacity in the IPL Project
 - Spring 2011, City Council Meeting
 - Delivery Contract to deliver Dallas' water through its 150 MGD capacity in the IPL Project
- Support the following agreements with TRWD:
 - Amend Interlocal Cooperation Contract to include procurement procedure development for joint projects
 - Financing Agreement to fund Dallas' 150 MGD capacity in the IPL Project
 - Delivery Contract to deliver Dallas' water through its 150 MGD capacity in the IPL Project

Appendix

The Path to 2060

Water Supply of 1,040.57 MGD

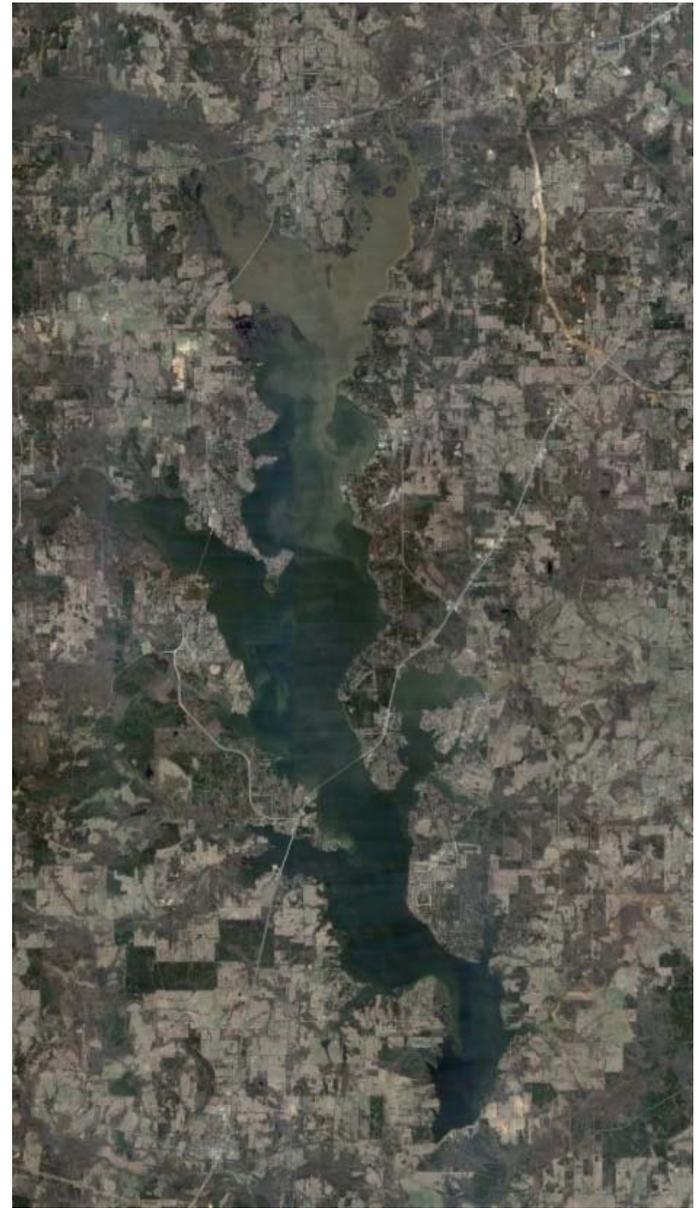
Current	Underway	Likely	Unsecured	Total Need (MGD)
<ul style="list-style-type: none"> • Ray Roberts/Lewisville • Grapevine • Ray Hubbard • Tawakoni • Elm Fork of Trinity 	<ul style="list-style-type: none"> • Lake Fork - 2009 (107.00 MGD) • Lake Palestine - 2015 (100.00 MGD) • Conservation - various dates (47.40 MGD) • Direct Reuse - various dates (18.25 MGD) 	<ul style="list-style-type: none"> • Contract for Return Flows - various dates (71.02 MGD) • Ray Hubbard Indirect Reuse - permitted - 2012 (60.00 MGD) • Lewisville Indirect Reuse - permitted - 2022 (60.00 MGD) 	<ul style="list-style-type: none"> • Wright Patman Flood Pool - 2035 (100.00 MGD) • Lake Fastrill Replacement - 2045 (100.00 MGD) 	
376.90	272.65	191.02	200.00	1,040.57

- Our water supply in 2060 totals 1040.57 MGD 1040.57 (need)
- Currently we have 376.90 MGD connected - 376.90 (current)
- We are reasonably assured of an additional 272.65 MGD (underway) - 272.65 (underway)
- An additional 191.02 MGD is likely - 191.02 (likely)
- Wright Patman and Fastrill, totaling 200 MGD, are yet to be secured = 200.00

• 80 percent of 2060 water needs are reasonably assured, which meets Dallas' water needs through the year 2035

Lake Palestine

- Lake Palestine was constructed by the Upper Neches River Municipal Water Authority and was completed in 1971
- In 1972, Dallas acquired rights to use 53.73% of the firm yield of Lake Palestine
- In the 1975 LRWSP Dallas began the planning for the connection of Lake Palestine.
- In 2007 entered into Interlocal Cooperation Contract with Tarrant Regional Water District to study joint transmission facilities



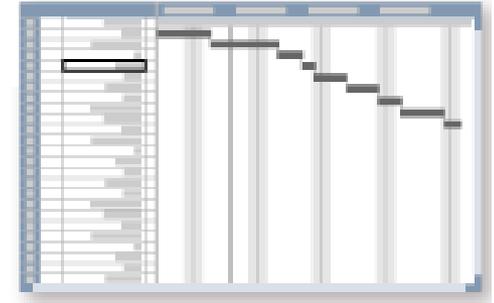


Estimated Cost of Connecting Palestine

- Lake Palestine
 - Will add 102 MGD to Dallas' connected supply
 - Will extend supply 10 to 15 years depending on water conservation advances
- Lake Palestine
 - \$1.028B if building on its own*
 - \$832M if building in partnership*
- Partnership with TRWD
 - Savings
 - \$196M Capital
 - Significant O&M costs over the life of the project

*Based on preliminary project cost estimates from *Summary Report Project Viability Assessment and Business Case Evaluation of Raw Water Transmission System Integration*, July 2008 updated to current total project cost estimate.

Schedule



- When is the water needed?
 - TRWD timeframe – 2018* (capacity limitations)
 - DWU timeframe – 2015 to 2025
 - Current modeling will refine timelines and construction staging opportunities
- Dallas Participation includes
 - 43.2% of 68 miles of pipeline (first sequencing phases)
 - 43.2% of first 347 MGD Booster Pump Station (first sequencing phases)
 - 100% of 41.5 miles of pipeline from Lake Palestine (latter sequencing phases, at Dallas discretion)
 - 100% of a 150 MGD Intake Pump Station at Lake Palestine (latter sequencing phases, at Dallas discretion)
 - 43.2% of second 347 MGD Booster Pump Station (later sequencing phases)

*2015 was identified in Dallas Long Range Water Supply Plan however timing of Lake Palestine connection may be extended pending result of Lake Ray Hubbard Permit Amendment and the sequencing of the project implementation may extend beyond 2018 due to water conservation savings currently being experienced by both Dallas and TRWD's customers.

Integrated Pipeline Segments and Pump Stations

Segment	Description	Length (miles)	Potential Cost Allocation	Dallas Estimated Cost (Millions)	TRWD Estimated Cost (Millions)
A	Lake Palestine to Cedar Creek Connection	41.5	100% Dallas	\$323.3	\$0
B	Cedar Creek Connection to Richland Chamber Connection	5	Joint	\$33.0	\$27.9
C	Richland Chambers Connection to Joe Pool Area	61.8	Joint	\$313.0	\$411.6
D	Interconnection near Joe Pool Lake to Benbrook Lake	15.0	100% TRWD	\$0	\$247.3
E	Cedar Creek Lake Connection	1.6	100% TRWD	\$0	\$12.1
F	Richland Chambers Lake Connection	10.8	100% TRWD	\$0	\$64.5
G	Interconnection between Integrated Pipeline and TRWD's Existing Pipeline near Joe Pool Lake	1.3	Joint	\$7.2	\$9.5
I	Interconnection between Integrated Pipeline and TRWD's Existing Pipeline near Arlington Lake	2.8	100% TRWD	\$0	\$28.2
PS1	Lake Palestine Pump Station	150 MGD	100% Dallas	\$72.3	\$0
PS2	Cedar Creek Reservoir Pump Station	127 MGD	100% TRWD	\$0	\$66.2
PS3	Richland Chambers Reservoir Pump Station	70 MGD	100% TRWD	\$0	\$33.6
P1 & P2	Booster Pump Stations	347 MGD	Joint	\$83.5	\$109.8
TOTAL		241.5 Miles	Joint	\$832.3	\$1,010.7

Interlocal Cooperation Contract

Tasks performed with TRWD under the ICC

- Evaluated transmission and treatment scenarios from Lake Palestine to the Joe Pool Lake area and into Bachman Water Treatment Plant
- Refined alternatives for continued evaluation
 - Project Development Plan
 - Project Delivery Schedule
- Evaluated and recommend pipeline routing and preliminary facility sites to deliver water from Lake Palestine
- Developed hydraulics model
- Evaluated changes in Dallas' pipeline capacity and delivery locations
- Developing Design Standards and Design Manual

Current Funding Status

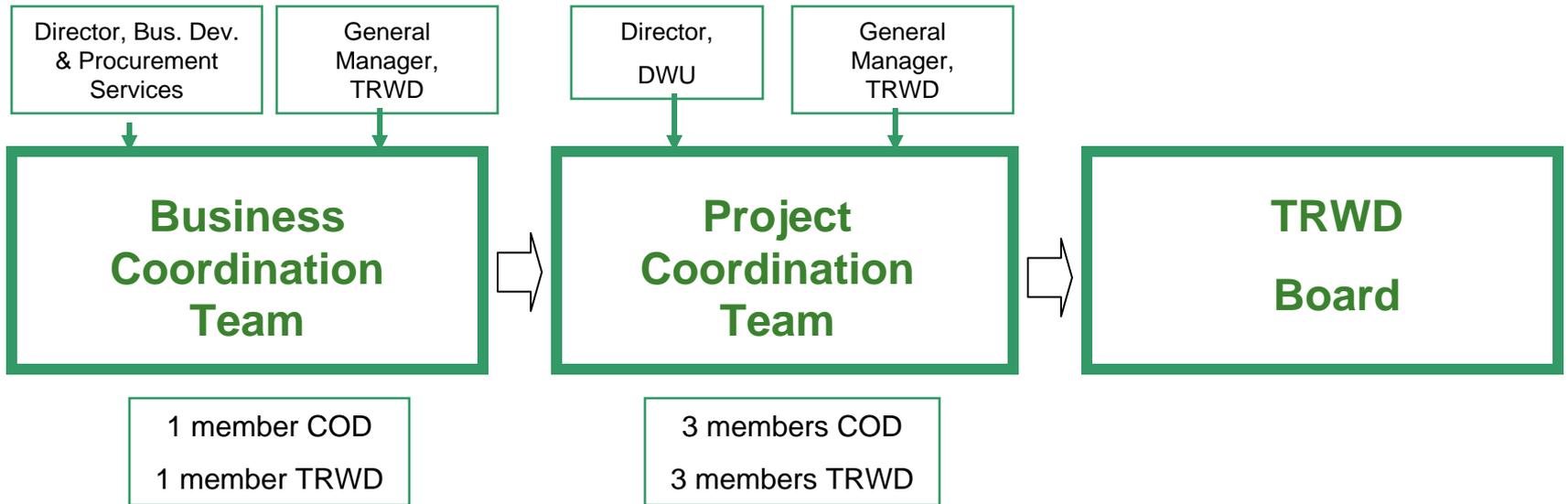
- The ICC provided for a 50/50 cost sharing of Preliminary Engineering with tasks that benefit one party to be exclusively paid by that party.
- Total Preliminary Engineering Budget \$8,230,591
 - Dallas' Share \$4,721,795*
 - Dallas' Authorized Funds \$2,926,761
 - Dallas Share of TWDB Grant \$406,250
(TWDB Grant received \$812,500 – 50/50 split)
 - **Dallas' funding request to finalize preliminary engineering ~\$1,400,000**

*Dallas requested tasks that exclusively benefited Dallas; therefore, Dallas' share of the total budget is 57.4%.

TRWD/Dallas Integrated Pipeline Fair Opportunities Purchasing/Contracting Policy

- To ensure that all qualified businesses, regardless of size, economic, social, or ethnic status have a fair opportunity to participate in the IPL procurement process
- Equal membership (City of Dallas and TRWD) on “business coordination team”
 - Design selection – equal participation
 - Construction (potential 10-20 contracts)
 - Equal voice on determining compliance with policy
 - Requires sign-off by the business coordination team to move contract forward
- Process functions like City of Dallas process – City has equal voice
- Reporting
 - Monthly data collection from contractors and quarterly reporting
- M/WBE Participation Goal
 - 25% overall goal
- Contractors who fail to comply with policy may result in denial of future contracts

Organizational Structure



Contract Process Approval Path



Joint Responsibilities of the Business Coordination Team

- During the planning phase, evaluate projects in excess of \$50k to seek opportunities to set specific M/WBE & HUB goals
- Evaluate compliance with the Fair Opportunity Purchasing/Contracting Policy and award the 15 points allowable as applicable
- Promote M/WBE & HUB opportunities to participate in IPL Project purchases and contracts
- Maintain a M/WBE & HUB certification status log of any vendor contracted with IPL Project
- Track and monitor monthly invoices for M/WBE & HUB participation
- Provide a quarterly status report of M/WBE & HUB participation to both TRWD GM (to present to the Board) and Dallas –Business Development and Procurement Services to present to Council
- Develop a Mentor program that
 - provides training
 - identifies early warning signs of either financial or performance problems
 - devises and implement improvement plans

Procurement Practices

- Opportunities
 - Divide work into smaller portions where feasible to provide the maximum number of opportunities
 - Evaluate projects in the planning phase to determine opportunities
- Encouragement
 - M/WBE Primes have the same commitment for M/WBE subcontracting goals
 - Encourage joint ventures and partnerships
- Outreach
 - Pre-bid conferences
 - Advertise in M/WBE affiliated associations
- Education
 - Ensure M/WBE certification
 - Encourage and assist in M/WBE certification
 - Technical assistance and training from trade organizations
- Pipe material, pumps, valves and other equipment purchased directly from manufacturers
 - M/WBE participation limited
 - Good Faith Effort pursued
- Certification
 - Texas Regional Certification Agency (NCTRCA)
 - Historically Underutilized Business (HUB) certification programs

Project Reporting

- Monthly Project Reporting
 - Financial
 - Budget vs. Forecast
 - Cash Flow
 - Bond Issuance and Drawdown
 - Change Order Management
 - Market Conditions
 - Contracts
 - M/WBE Participation
 - Progress
 - Design and/or Construction Progress
 - Engineering Design
 - Permitting
 - ROW-Easement Acquisition
 - Surveying
 - Geotech
 - Construction
 - Project reporting will begin upon execution of the Financing and Delivery Contracts

Financing Agreement

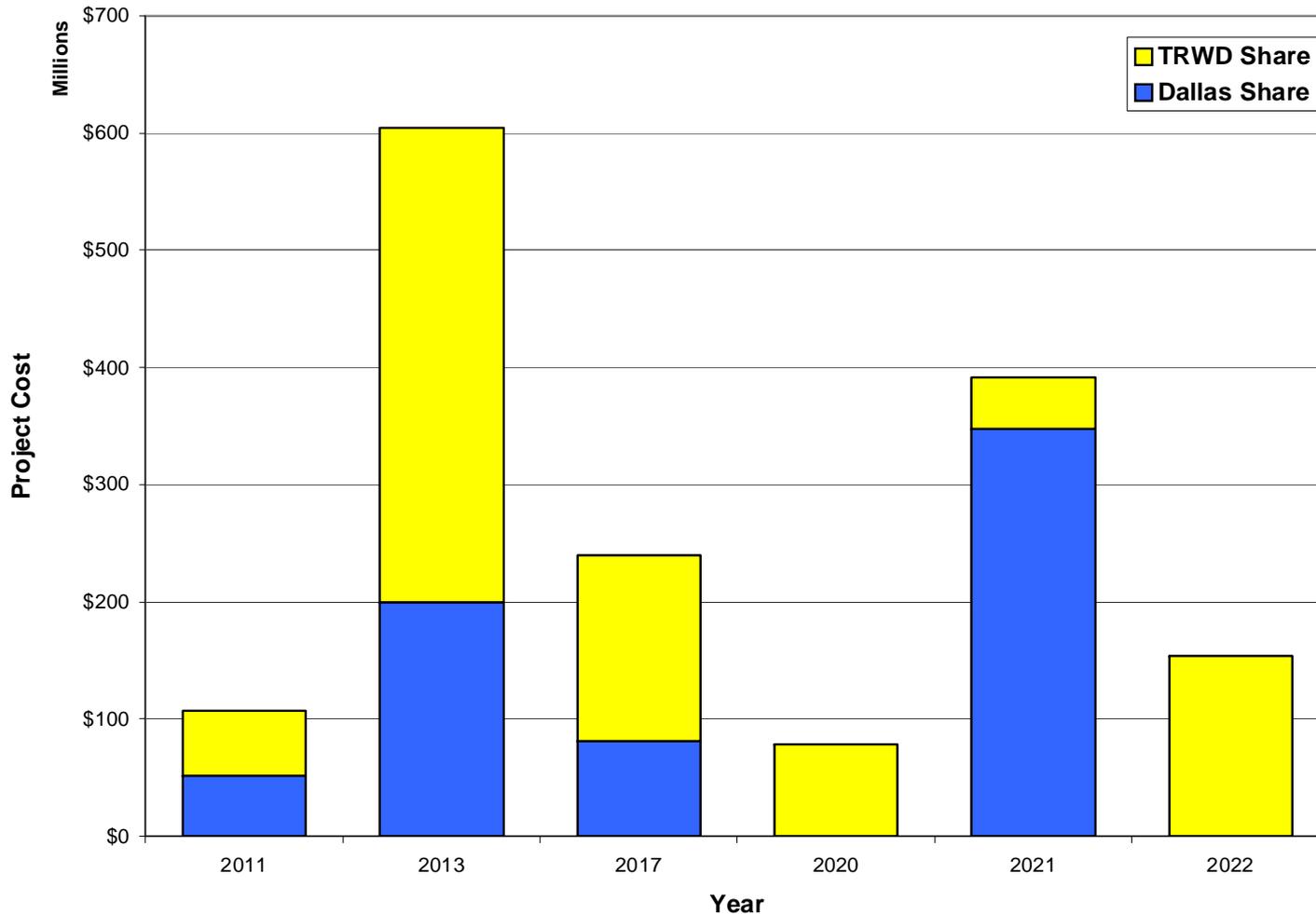
Financing Agreement: Key Terms

- Dallas has “Reserved Capacity Rights” of 150 MGD in the Project
- Financing
 - Dallas has the option of funding its share through TRWD Special Facility Bonds for Dallas or other financing Dallas identifies
 - Dallas’ City Manager will review and approve TRWD Bond Resolutions issued for Dallas.
 - Contract Term – until all Dallas Bonds are paid off
- Project Governance
 - Dallas has representatives on the “Project Coordination Group” which consult and advise TRWD regarding the acquisition, development, construction, reconstruction, operation and maintenance of the project
 - Dallas is responsible for establishing the schedule of construction for the project segment from Lake Palestine to the vicinity of Cedar Creek Reservoir and TRWD is responsible for the preliminary design, and right-of-way acquisition.
 - Dallas’ appointments to “Project Coordination Group” are anticipated to be Water Utilities Assistant Directors over Finance, Engineering and Operations.

Special Facilities Bonds

- Special category of bonds, secured by the revenue from the indebted facility, rather than general revenue
- City Manager authorized to approve bond resolution
- TRWD is responsible for:
 - Preparation of Official Statement
 - Best efforts to sell bonds to TWDB or other entity to maximize the Benefit to Dallas
- Dallas is responsible for:
 - Debt repayment
 - Construction Schedule for Palestine Segment and Intake

Cost Scenario based on Initial Construction Sequencing Assumptions



Note: Sequencing of the project implementation due to water conservation savings may extend timing for project completion.

Dallas Independent and Integrated Project Life Cycle Cost (over 50 years) in millions

Cost	Dallas Independent	Dallas' Share Integrated	Savings	Percent Savings
Operation & Maintenance	\$2,728.5	\$2,425.5	\$303.0	11.1%
Debt Service	\$3,848.5	\$2,095.5	\$1,753.0	45.6%
Total	\$6,577.0	\$4,521.0	\$2,056.0	31.3%

Delivery Contract

Delivery Contract Terms and Conditions

- Establishes the allocation of fixed and variable O&M costs between Dallas and TRWD and operational guidelines for TRWD to deliver Dallas' Lake Palestine Water in Dallas' "Reserved Capacity Rights" of 150 MGD
- Delivery contract includes
 - Cost Allocation Manual (CAM)
 - Operational Guidelines
- Annual budget reviewed by City
- Two way settle up clause
- Dallas to identify delivery point and to specify volume and timing of delivery
- Project Governance - Same as identified in Financing Agreement

Delivery Contract: Cost Allocation Manual (CAM)

- Agreed upon methodology to distribute project operation and maintenance cost
- Fixed Operation Cost
 - Pipeline Segment Allocations
 - Lake Palestine Segment - 100% Dallas (Segment A)
 - Cedar Creek and Richland Chambers Connections-100% TRWD (Segments E&F)
 - Main Pipeline 150/347 - 43.2% Dallas (Segments B, C and G)
 - TRWD Delivery Lines – 100% TRWD (Segments D and I)
- Variable Operation Cost
 - Based on Water Delivery Allocation
 - Chemical Costs
 - Power
 - Energy Costs
 - Demand Charges

Cost Allocation Manual

■ Fixed Operation and Maintenance

Indirect Expense Cost Allocation

Entity	Capacity (MGD)	Allocation
Dallas	150	43.2%
TRWD	197	56.8%
Total	347	100%

Direct Expense Cost Allocation

Segment	Dallas Capacity (MGD)	Dallas' Allocation	TRWD Capacity (MGD)	TRWD's Allocation
A	150	100%	0	0%
B	150	54.2%	127	45.8%
C	150	43.2%	197	56.8%
D	0	0%	197	100%
E	0	0%	127	100%
F	0	0%	70	100%
G	150	43.2%	197	56.8%
I	0	0%	197	100%

Delivery Contract: Operational Guidelines

- **Fundamental Operating Principle**
 - TRWD will operate the project
 - Deliver water at the lowest possible cost
 - Sharing between the parties all savings and efficiencies in
 - Purchases
 - Energy
 - Water resource management

Tarrant Regional Water District

Tarrant Regional Water District



- Created in 1924
- Responsibilities: Raw water supply and flood control
- Service area spans all or part of 11 North Texas counties
 - Jack
 - Parker
 - Wise
 - Tarrant
 - Johnson
 - Denton
 - Ellis
 - Kaufman
 - Henderson
 - Freestone
 - Navarro
- Contracts with 65 cities including the cities of Fort Worth, Arlington, Mansfield and the Trinity River Authority
- Current service area population is 1.6 million
- Service area population projected to increase to 2.66 million by 2050

Tarrant Regional Water District



- Current supply of 447,000 acre-feet per year
 - Lake Bridgeport
 - Eagle Mountain Lake
 - Cedar Creek
 - Richland-Chambers
 - Lake Benbrook
 - Lake Worth
 - Lake Arlington
- Connect or develop an additional 446,000 acre-feet per year by 2060
- Major Future TRWD Strategies - \$3.562B capital cost
 - Conservation
 - Reuse
 - Enhance Raw Water Transmission
 - Marvin Nichols 1a
 - Toledo Bend Reservoir
 - Oklahoma Water

TRWD Board of Directors

- Publicly elected five-member board
- Four year terms
- Requirements
 - Must be residents of Texas
 - Minimum age 18
 - Own land subject to taxation within the district, which includes most of Tarrant County and the areas surrounding Eagle Mountain Lake.
- Voting District includes most of Tarrant County and the areas surrounding Eagle Mountain Lake
- Elections take place in the spring every two years and alternate between two and three member elections.
- Board meetings are generally held the third Tuesday of the month

Victor W. Henderson, President

Served on the TRWD Board since 1985. He is a registered professional engineer and president of an independent oil and gas exploration and production company.

Hal S. Sparks, Vice-President

Served on the TRWD Board since 1988, He is an attorney who specializes in real estate, business transactions, estate planning and probate law.

Jack Stevens, Secretary

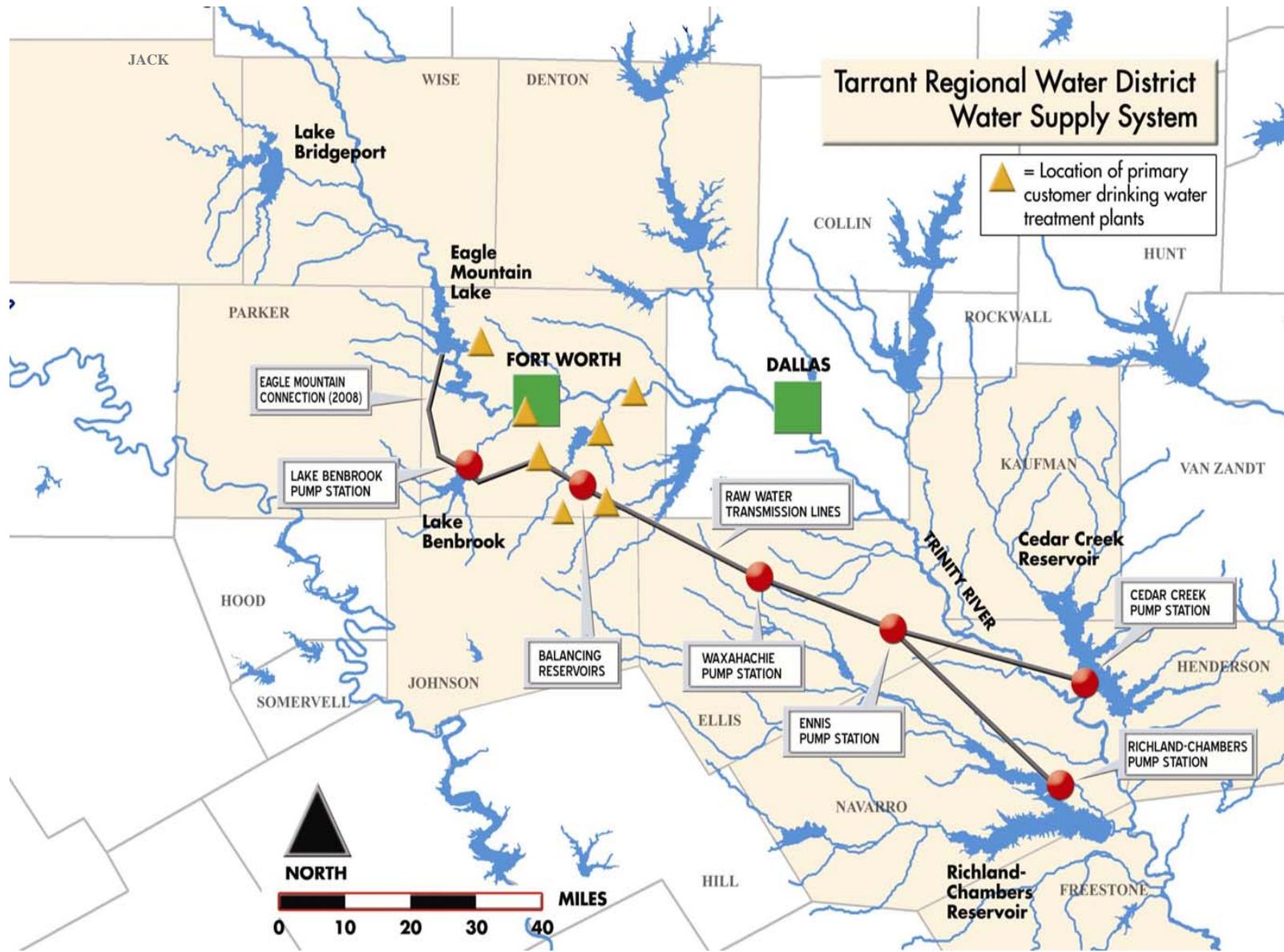
Served on the TRWD Board since 2004. He is retired engineer with 34 years of service to Vought Aircraft.

Marty Leonard, Secretary Pro-Tem

Served on the TRWD Board since 2006. She owns Leonard Golf Links Practice/Teaching Facility and owns two buildings occupied by the Nike Golf Center in Fort Worth. Mrs. Leonard also is president of Margolf Corporation.

Jim Lane

Served on the TRWD Board since 2006. He is an attorney who currently practices criminal, aviation, personal injury and family law.



Source: Tarrant Regional Water District

TRWD provides water directly or indirectly into all or a portion of each of the 11 highlighted Counties

Integrated Pipeline Design Contracting

Consultant Contracting Approach

- Open Selection Process – Qualifications Based
- 21 Consultant Contracts
 - 10 to be selected
 - 8 under contract
 - 3 future contracts
- Preliminary Design (30%) followed by Final Design
- Fee Estimate Guidelines provided
- Common Professional Service Agreement provided



Contract Summary: Awarded to Date

Program Management	\$8,725,991
Value Engineering	\$640,000
Operations Study & Environmental	\$1,250,629
Land Support	\$889,100
Land Support	\$103,725
Program Surveyor	\$8,395,585
Geotechnical Characterization	\$4,883,500
Technical Studies	<u>\$350,456</u>
Total	\$25,238,986
MWBE 24.6%	\$6,208,791

Pipeline Contract Designations



Selection Process

- Select from SOQs
- Make all selections at one time;
 - 8 Pipeline design contracts
 - 2 Pump Station design contracts
- Selection criteria from RFISOQ
- Selection philosophy
 - Proposed team commitments
 - Multiple contract awards
 - Client and IPL team references

Current Selection Process Schedule

2010

2011

CONTRACT	Jun	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb
Pipelines									
Pump Stations									
Tunnel									
Reservoirs @ Booster PS									
High Voltage Facilities									



Issue RFSOQ



Award Contracts

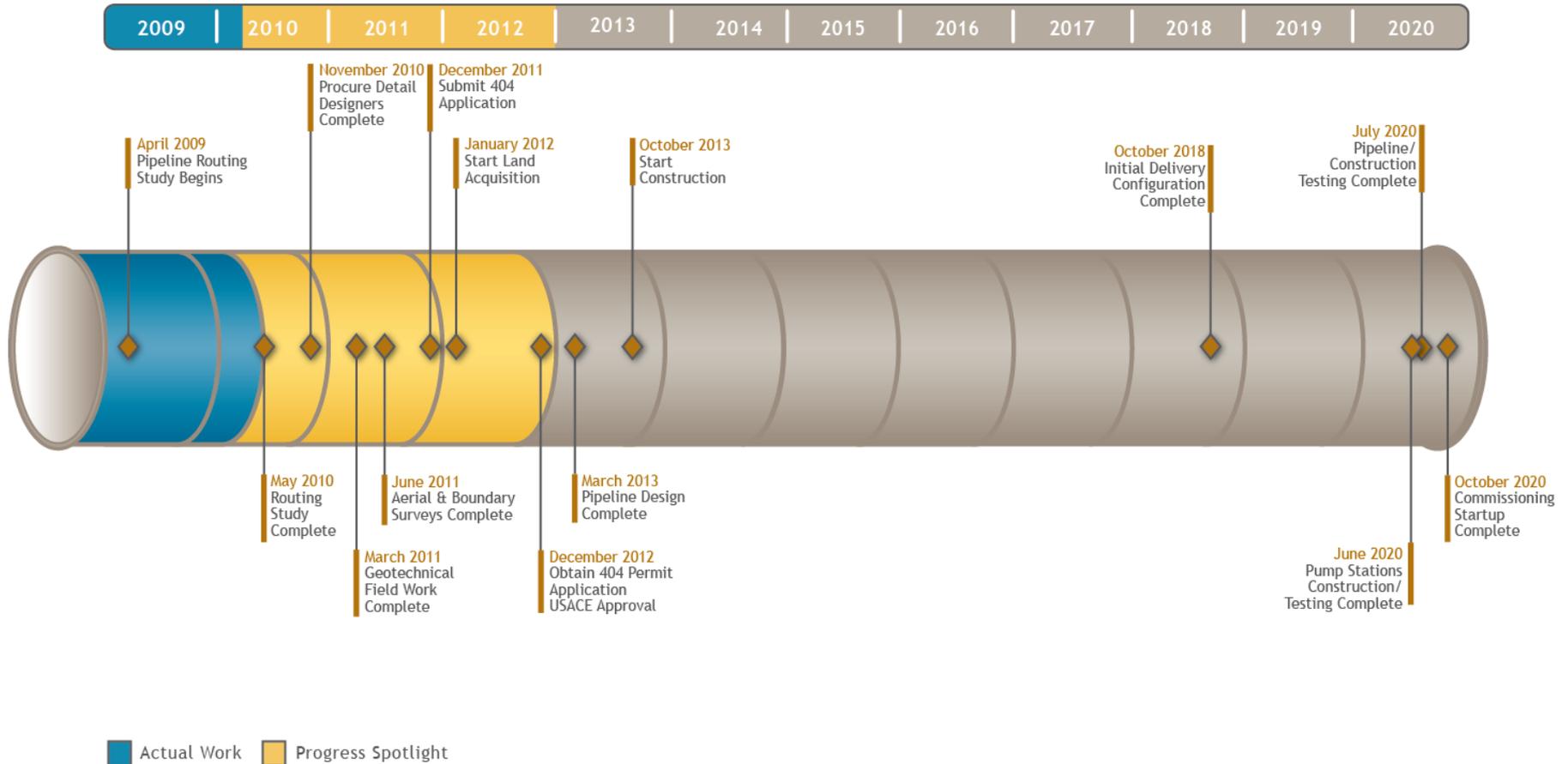


Current Project Status

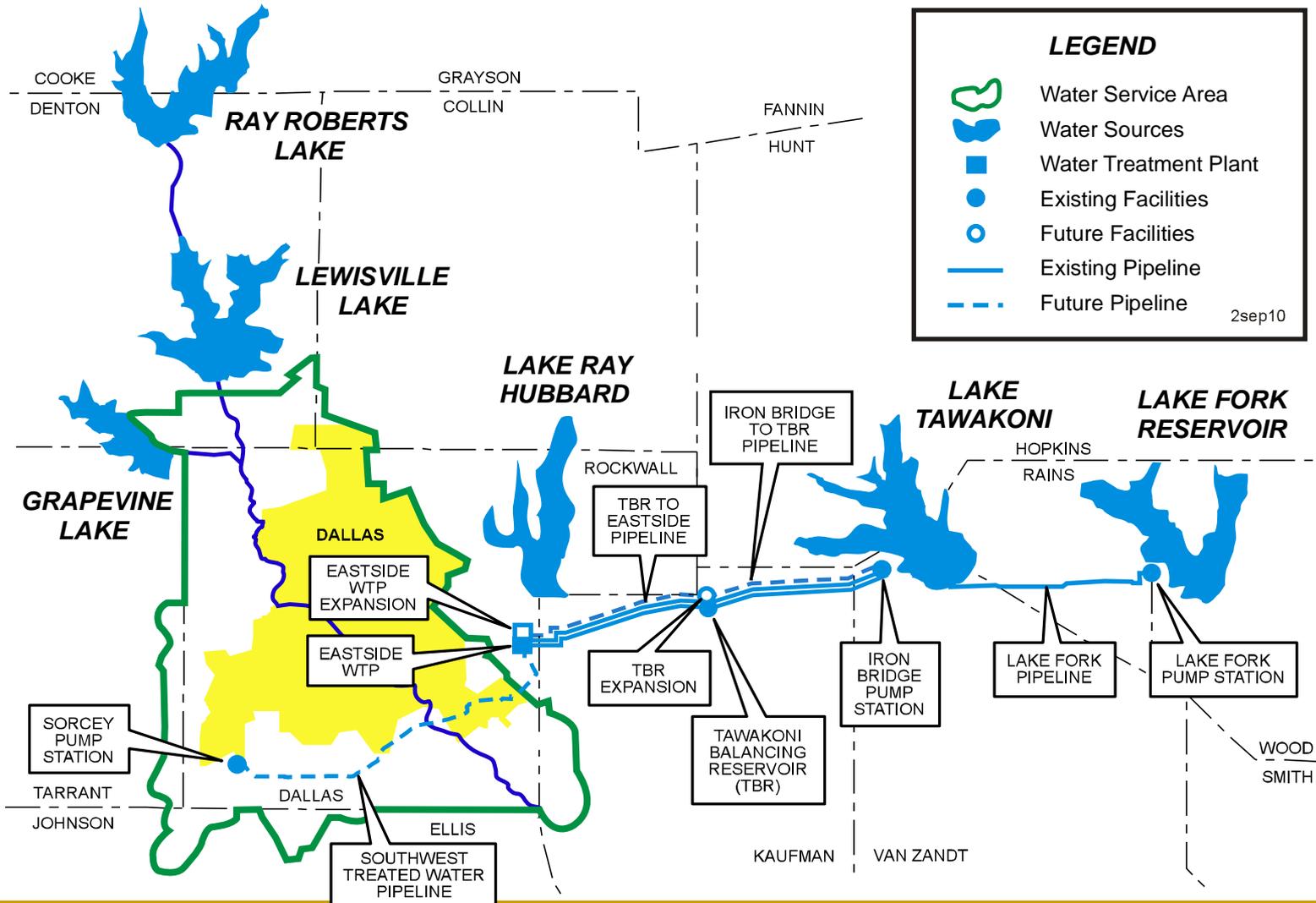
- Program Management is well underway and consists of value engineering, right of entry, surveying, geotechnical, document management, etc.
- Pipeline and pump station design engineers have been recently selected through a joint Dallas and TRWD selection process
 - 10 engineering design teams selected
 - 8 pipeline segment contracts
 - 2 pump station contracts
 - M/WBE participation of the selected design teams ranged from 25% to 30%

IPL Schedule

Overall Program Schedule



Raw Water Utilization Map



Memorandum



CITY OF DALLAS

DATE October 21, 2010

TO Members of the Transportation and Environment Committee:
Linda L. Koop (Chair), Sheffie Kadane, (Vice Chair), Jerry Allen, Tennell Atkins,
Carolyn R. Davis, Angela Hunt, Delia Jasso, Pauling Medrano, Ron Natinsky,
Vonciel Jones Hill

SUBJECT Code Amendments for Neighborhood Markets –
Addendum Item # 5 on October 26, 2010 City Council Agenda

SUBJECT

An ordinance adding Chapter 29A and amending Chapters 17 and 42A of the Dallas City Code to: **(1)** provide permitting procedures, fees, and operational requirements for neighborhood farmers markets in the city; **(2)** modify temporary food establishment requirements as they relate to neighborhood farmers markets; and **(3)** modify special event permit requirements as they relate to neighborhood farmers markets - Estimated Revenue: \$2,100

BACKGROUND

Community interest has been indicated in support of neighborhood farmers markets which are temporary events on private property that serve as a marketplace for multiple local farmers/growers and handcrafters to sell or distribute their products directly to consumers. This ordinance provides permitting procedures, fees, and operational requirements for neighborhood farmers markets in the city.

The permit will allow the markets to operate from 8 a.m. to 7 p.m. for no more than 28 non-consecutive market days per calendar year in non-residential areas and outside of the Central Business District where otherwise prohibited by ordinance. One permit per calendar year will be issued to a specific organizer and will be for a specific location. Market applicants must pay an annual fee of \$200 if the market will have 25 or fewer vendors or \$300 if the market will have 26 to 50 vendors. At least one half of the vendors of a market must sell produce or other food items. All products distributed or sold at the neighborhood farmers markets must have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County. Neither resale of goods nor sale of live animals is allowed. Products that may be sold at a neighborhood farmers market include, but are not limited to, fruits, vegetables, honey, eggs, nuts, herbs, mushrooms, meats, dairy products, prepared food such as baked goods, arts and crafts, and garden items.

Modifications to temporary food establishment and special event ordinances are made as they relate to the new neighborhood farmers market ordinance. Vendors that sell potentially hazardous food must comply with temporary food establishment requirements. In conjunction with neighborhood farmers markets, the temporary food establishment annual fee will be \$100 for each booth or stall at the first market location and \$50 for each booth or stall at each additional market location.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Neighborhood farmers markets were briefed to the Transportation and Environment Committee on December 14, 2009, April 12, 2010, and June 14, 2010.

FISCAL INFORMATION

Estimated Revenue: \$2,100



Jill A. Jordan, P.E. Assistant City Manager
Assistant City Manager

- c: The Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Thomas P. Perkins, Jr., City Attorney
Deborah Watkins, City Secretary
Craig Kinton, City Auditor
Judge C. Victor Lander, Administrative Judge
Ryan S. Evans, First Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Forest E. Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Edward Scott, Director, Controller's Office
Helena Stevens-Thompson, Assistant to the City Manager – Council Office

ORDINANCE NO. _____

An ordinance amending Sections 17-1.5, 17-9.2, and 17-10.2 of CHAPTER 17, “FOOD ESTABLISHMENTS”; adding CHAPTER 29A, “NEIGHBORHOOD FARMERS MARKETS,” (composed of Sections 29A-1 through 29A-15); and amending Section 42A-5 of CHAPTER 42A, “SPECIAL EVENTS,” of the Dallas City Code, as amended; defining terms; providing permitting procedures, fees, and operational requirements for neighborhood farmers markets in the city; modifying temporary food establishment requirements and special event permit requirements as they relate to neighborhood farmers markets; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subsection (b)(6) of Section 17-1.5, “Definitions,” of Article I, “Food Establishments Generally,” of CHAPTER 17, “FOOD ESTABLISHMENTS,” of the Dallas City Code, as amended, is amended to read as follows:

“(6) FOOD ESTABLISHMENT:

(A) The term means an operation that:

(i) sells, stores, prepares, packages, serves, or otherwise provides food for human consumption such as: a food service establishment; retail food store; satellite or catered feeding location; catering operation[;] if the operation provides food directly to a consumer or to a conveyance used to transport people; market; remote catered operations; conveyance used to transport people; institution; or food bank; and

(ii) relinquishes possession of food to a consumer directly, or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(B) The term includes an element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; a restaurant; a grocery store; an operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off premises; and regardless of whether there is a charge for the food.

(C) The term does not include a produce stand that only offers whole, uncut fresh fruits and vegetables or an establishment that offers only prepackaged foods that are not potentially hazardous, except that the term does include an establishment that sells ice cream, frozen custard, soft serve dairy products, gelato, or other frozen desserts.”

SECTION 2. That Subsection (b)(16) of Section 17-1.5, “Definitions,” of Article I, “Food Establishments Generally,” of CHAPTER 17, “FOOD ESTABLISHMENTS,” of the Dallas City Code, as amended, is amended to read as follows:

“(16) TEMPORARY FOOD SERVICE ESTABLISHMENT means:

(A) a food establishment that operates at a fixed location for a limited period of time in conjunction with:

(i) a plaza event for which a permit has been issued by the city under Chapter 35;

(ii) a special event for which a permit has been issued by the city under Chapter 42A;

(iii) a special event conducted with written permission of the city on property under the control of the park and recreation board, on property of the "convention center" or "reunion arena" as defined in Section 43-127 of this code, or on property of the "municipal produce market" as defined in Section 29-3 of this code;

(iv) a temporary carnival or circus conducted with written authorization of the building official under Section 51A-4.206(2) of the Dallas Development Code;

(v) an activity or event conducted entirely inside a facility that is primarily and routinely used to hold exhibitions, conventions, concerts, symphonies, plays, sporting events, or similar activities or events at which food is customarily served or offered for sale; [øø]

(vi) a single event or celebration conducted on any nonresidential premises as an accessory use under Section 51A-4.217 of the Dallas Development Code; or

(vii) a neighborhood farmers market for which a permit has been issued under Chapter 29A of this code; or

(B) a concessionaire operating under a seasonal contract with the city on property owned or operated by the city.”

SECTION 3. That Section 17-9.2, “Requirements for Temporary Food Establishments,” of Article IX, “Temporary Food Establishments and Catering Services,” of CHAPTER 17, “FOOD ESTABLISHMENTS,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 17-9.2. REQUIREMENTS FOR TEMPORARY FOOD ESTABLISHMENTS.

(a) Authority. The director shall issue a permit, in accordance with applicable food establishment permit and fee requirements set forth in Article X, to a temporary food service establishment if:

(1) the director finds that the operation will not result in a health or safety hazard or a nuisance;

(2) the operation is limited to a single, fixed location, which may include one or more facilities at the location;

(3) the establishment submits proof to the director that it has obtained all city, state, and federal permits and authorizations necessary to conduct a temporary food service operation, including, but not limited to the following:

(A) an out-of-town vendor must submit a copy of its current local health permit and a copy of its last health inspection from the local health department where the vendor is located; and

(B) a food manufacturer must submit a copy of its state manufacturer's license;

(4) the establishment and its location comply with all requirements of this chapter, the Dallas Development Code, and any other applicable city ordinance or state or federal law; and

(5) the completed application for the permit to operate a temporary food service establishment is received by the director at least 48 hours before the scheduled commencement of the activity or event for which the permit is issued.

(b) Exception. A permit is not required for a temporary food service establishment that does not serve potentially hazardous food and the weekly gross income of which does not exceed \$100.

(c) Limit on permits issued for same premises or address. No more than one temporary food service establishment permit may be issued within any calendar quarter for the same premises or street address, even if the permits are issued to different temporary food service establishments. This subsection does not apply if the permit is issued in conjunction with an activity or event described in Section 17-1.5(b)(16)(A)(i), (ii), (iii), (iv), ~~through~~ (v), or (vii) of this chapter.

(d) Expiration. A temporary food service establishment permit expires:

(1) upon expiration of a special event permit, plaza event permit, neighborhood farmers market permit, or other written authorization of the city issued in conjunction with the temporary food service establishment permit for an activity or event described in Section 17-1.5(b)(16)(A)(i), (ii), (iii), ~~through~~ (iv), or (vii) of this chapter;

(2) upon expiration of a concession agreement executed by the city in conjunction with the temporary food service establishment permit for an activity or event on property owned or operated by the city; or

(3) 14 days after the issuance of a temporary food service establishment permit for an activity or event described in Section 17- 1.5(b)(16)(A)(v) or (vi) of this chapter or upon termination of the activity or event, whichever occurs first.

(e) Food and ice preparation and service. A temporary food establishment required to be permitted under this chapter shall not:

(1) prepare, serve, sell, or distribute any food not approved in advance by the director;

(2) prepare potentially hazardous food, except that an establishment may prepare potentially hazardous food that is approved in advance by the director and does not require substantial preparation prior to consumption (including, but not limited to, pre-formed hamburgers, beef fajitas, sausages, hotdogs, and frankfurters) or may provide potentially hazardous food that is:

(A) obtained by the establishment in precooked, individual servings;

(B) stored at a temperature of:

(i) 41° F. (5° C.) or below using mechanical refrigeration (ice chests are not allowed for maintaining cold temperatures); or

(ii) 135° F. (57° C.) or above using mechanical holding units in each boot to ensure the proper temperature is maintained (canned heat or Sterno is not allowed for maintaining hot temperatures outdoors); and

packaged; (C) served to a consumer in the container in which it was originally

product is: (3) prepare, serve, sell, or distribute raw seafood or poultry, except when the

the freezer into a fryer; or (A) pre-cut, breaded, and frozen and ready to be directly placed from

(B) precooked;

(4) allow open and unprotected displays of food (when using chafing dishes, only hinged lid dishes are allowed so that at least half of the food remains covered at all times);

(5) permit consumption of ice or contact of ice with food unless the ice is:

(A) obtained from a source that is approved as safe by the director;

(B) in chipped, crushed, or cubed form;

(C) obtained in single-use plastic or wet-strength paper bags that are sealed by the manufacturer and unopened until used by the establishment; and

(D) dispensed from a container that is continuously drained into a waste receptacle approved by the director;

(6) store food in contact with water or undrained ice, except that wet storage of a beverage in a pressurized container is permitted if the water used:

(A) contains not less than 50 mg/l of available chlorine; and

(B) is maintained in a clean condition; or

(7) use water from a source that is not approved as safe by the director.

(f) Operational requirements. An establishment operating under authority of this article shall comply with all of the following requirements:

(1) Protect each food and food-contact surface from contamination, including, but not limited to, complying with the following requirements:

(A) All condiments, including, but not limited to, onions, relish, peppers, catsup, and mustard, that are available for customer self-service must be available in individual packets or from an approved dispenser.

(B) All foods, food containers, utensils, napkins, straws, and other single service articles must be stored at least six inches off the floor and adequately protected from splash, dust, insects, weather, and other contamination.

(C) When self-service ice dispensers are not used, ice scoops are required.

(D) Effective hair restraints (such as nets and caps) are required in food preparation and service areas. Food, beverage, and tobacco consumption is prohibited inside food booths, food preparation areas, and food service areas. Gum chewing is prohibited in food preparation and food service areas.

(E) Food handling personnel must wash their hands as frequently as necessary to maintain clean hands, even if disposable gloves are used. Nails must be closely trimmed and maintained. Long fingernails (natural, sculptured, etc.) or chipped nail polish is prohibited.

(F) Animals may not be located within 50 feet of a temporary food establishment or food service area.

(2) Install equipment in a way that permits cleaning and sanitizing and that is not likely to cause adulteration of food, including, but not limited to, complying with the following requirements:

(A) A container of soapy water solution must be provided for washing dirty utensils. This is for emergency use only.

(B) A sanitizer solution must be provided to sanitize clean utensils and equipment. The required residual of 50-100 ppm chlorine may be obtained by placing one tablespoon of bleach in one gallon of water for the sanitizer. Other approved sanitizers may be used. Test papers must be provided to ensure that proper sanitizer concentration is achieved. All utensils must be taken to a commissary location daily to be properly washed, rinsed, and sanitized.

(C) Wastewater (including but not limited to wastewater from handwashing, utensil washing, sinks, and steam tables) must be placed in an approved container until properly disposed. All wastewater must then be disposed of into a sanitary sewer system or in a manner that is consistent with federal, state, and local regulations and requirements relating to liquid waste disposal.

(3) Provide hot and cold running water, under pressure, in a quantity sufficient to maintain personal hygiene of employees and the cleanliness and sanitation of the establishment, except that cold running water that is not under pressure may be used when the establishment will be in operation for fewer than four consecutive calendar days.

(4) Provide a convenient handwashing facility with soap and individual paper towels for persons preparing and serving food, including, but not limited to, complying with the following requirements:

(A) The handwashing facility must have at least a 5-gallon container with a spigot that provides free flowing water.

(B) The handwashing facility must have a catch bucket to collect wastewater from hand washing.

(5) Comply with federal, state, and local regulations and requirements relating to liquid waste disposal.

(6) Use only equipment and utensils that meet the standards set forth in Article IV of this chapter, if the establishment will be in operation for four or more consecutive calendar days.

(7) Use only equipment approved by the director if potentially hazardous foods will be served by the establishment.

(8) Maintain a full-time, on-site food service manager who is currently registered under Article II of this chapter if the establishment will be in operation for four or more consecutive calendar days, except that multiple establishments under the same ownership and management that are operating at the same activity or event may use the same full-time, on-site food service manager.

(g) Design and structural requirements. The design and structural material of a facility that houses a temporary food service establishment must be approved by the director. Each facility must:

(1) be enclosed by barriers at least 32 inches high that prevent customers from entering food preparation areas;

(2) have a serving counter with a depth of at least 12 inches;

(3) have floors constructed of concrete, asphalt, tight-fitting wood, or other similar, easily cleanable material kept in good repair;

(4) if the temporary food service establishment is outdoors, have over every food preparation and serving area a fire resistant overhead covering that protects the interior of the facility from the weather; and

(5) comply with all design and structural standards that may be established by the director for temporary food service establishments.”

SECTION 4. That Subsection (i) of Section 17-10.2, “Additional Requirements,” of Article X, “Compliance and Enforcement,” of CHAPTER 17, "FOOD ESTABLISHMENTS," of the Dallas City Code, as amended, is amended to read as follows:

“(i) Temporary food service fee.

(1) Before the director issues a permit to a temporary food service establishment, the applicant for the permit shall pay the city a nonrefundable permit fee of \$190, plus \$5 for each day of operation for each facility from which the establishment is operated. A maximum nonrefundable annual fee of \$100 for each facility will be collected from concessionaires operating under contract with the city park and recreation department or the municipal produce market. A maximum nonrefundable annual fee of \$200 for each facility will be collected from concessionaires operating at a school stadium. A maximum nonrefundable annual fee of \$100 for each booth or stall at the first market location and \$50 for each booth or stall at each additional market location will be collected from a vendor operating at a neighborhood farmers market permitted under Chapter 29A of this code.

(2) Section 17-10.2(i)(1) does not apply to a temporary food service establishment that:

(A) does not serve potentially hazardous food; and

(B) the weekly gross income of which does not exceed \$100.”

SECTION 5. That the Dallas City Code, as amended, is amended by adding new CHAPTER 29A, entitled “NEIGHBORHOOD FARMERS MARKETS,” to be composed of Sections 29A-1 through 29A-15, to read as follows:

“CHAPTER 29A

NEIGHBORHOOD FARMERS MARKETS

ARTICLE I.

GENERAL PROVISIONS.

SEC. 29A-1. PURPOSE.

The purpose of this chapter is to facilitate the promotion of neighborhood farmers markets within the city to support the local economy, to encourage sustainable living, and to create a more positive image of the city.

SEC. 29A-2. DEFINITIONS.

In this chapter:

(1) APPLICANT means a person who has filed a written application for a neighborhood farmers market permit.

(2) CENTRAL BUSINESS DISTRICT means the area bounded by Woodall Rogers Freeway on the north, Central Expressway and Julius Schepps Freeway on the east, Interstate Highway 30 on the south, and Interstate Highway 35E on the west.

(3) CITY means the city of Dallas, Texas.

(4) DIRECTOR means the person designated by the city manager to implement, administer, and enforce this chapter, and includes any designated representative of the director.

(5) NEIGHBORHOOD FARMERS MARKET or MARKET means a temporary, outdoor marketplace on private property:

(A) where produce, merchandise, food, or other products are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products;

(B) for which the estimated number of vendors and attendees for any day of the market does not exceed 1,000;

(C) that is not being operated as part of a special event permitted under Chapter 42A of this code; and

(D) that involves one or more of the following activities:

(i) Sale of merchandise, food, or beverages on private property where otherwise prohibited by ordinance.

(ii) Erection of stalls or tents on private property where otherwise prohibited by ordinance.

(iii) Placement of portable toilets on private property where otherwise prohibited by ordinance.

(iv) Placement of temporary no-parking, directional, over-size, or identification signs or banners on private property where otherwise prohibited by ordinance.

(6) NEIGHBORHOOD FARMERS MARKET PERMIT means written approval to hold a neighborhood farmers market issued by the director under this chapter.

(7) PERMIT HOLDER means a person issued a neighborhood farmers market permit.

(8) PERSON means an individual, firm, partnership, corporation, association, or other legal entity.

(9) VENDOR means a person who distributes, offers for sale, or sells produce, merchandise, food, or other products at a neighborhood farmers market.

SEC. 29A-3. GENERAL AUTHORITY AND DUTY OF DIRECTOR.

(a) The director shall implement, administer, and enforce the provisions of this chapter.

(b) The director has authority to issue a neighborhood farmers market permit that authorizes one or more of the activities described in Section 29A-2(5) when requirements of this chapter have been met.

SEC. 29A-4. CHAPTER CUMULATIVE.

(a) The provisions of this chapter are cumulative of all city ordinances. Tent permits, building permits, electrical permits, food establishment permits, alcoholic beverage permits and licenses, and all other permits and licenses required by ordinance or other law for specific activities to be conducted in conjunction with or as part of the neighborhood farmers market must be applied for separately, in accordance with the applicable ordinance or law. The director shall receive and coordinate applications for any city-issued permit or license required in addition to the neighborhood farmers market permit.

(b) Application for a neighborhood farmers market permit authorizes appropriate city departments to issue permits for the activities described in Section 29A-2(5) in locations where the activity would otherwise be prohibited by ordinance.

ARTICLE II.

NEIGHBORHOOD FARMERS MARKET PERMITS.

SEC. 29A-5. APPLICATION; ISSUANCE.

(a) A person desiring to hold a neighborhood farmers market shall apply for a neighborhood farmers market permit by filing with the director a written application upon a form provided for that purpose. Only one permit for a neighborhood farmers market will be issued to the same applicant within a calendar year, and that permit will only allow the market to be operated at the single location designated in the permit application. Each application must be accompanied by the required application fee. An application must be filed not less than 30 days before the neighborhood farmers market is to begin. The director may waive the 30-day filing requirement if the application can be processed in less than 30 days, taking into consideration the number and types of permits required to be issued in conjunction with the neighborhood farmers market.

(b) An application must contain the following information:

(1) The name, address, and telephone number of the applicant and of any other persons responsible for the conduct of the neighborhood farmers market.

(2) The street address of the proposed location of the neighborhood farmers market; the name, address, and telephone number of the property owner; and a copy of the consent required by Section 29A-10(b), if applicable.

(3) A description of the neighborhood farmers market, including a proposed schedule of the dates and hours of operation for the market (not to exceed 28 operating days in any calendar year, none of which may be consecutive days).

(4) The estimated number of vendors and attendees for each day of the market.

(5) A drawing showing the area to be used for the neighborhood farmers market, along with proposed structures, tents, fences, barricades, signs, and banners.

(6) Provisions for parking with a designation of where "No Parking" signs will be used.

(7) Details of the sale of merchandise or the sale or serving of food or alcoholic or nonalcoholic beverages at the market, including but not limited to the names of participating vendors, a description of items to be sold, and the percentages of food and nonfood items to be sold.

(8) Details of how the applicant will clean up after the neighborhood farmers market each day.

(9) Proof that the applicant possesses or is able to obtain all licenses and permits required by this code or other city ordinances or by state law for the conduct of the neighborhood farmers market.

(10) If the applicant is a corporation, copies of a current certificate of account status issued by the Texas Comptroller's Office and a current certificate of existence issued by the Texas Secretary of State's Office, or, if the corporation is not incorporated in or holding a certificate of authorization in the State of Texas, copies of similar current certificates from the state in which the corporation is incorporated.

(11) A description (including but not limited to the name, date, location, and size) of each neighborhood farmers market that the applicant conducted or sponsored, or participated in conducting or sponsoring, within the preceding two years.

(12) Any other information the director determines necessary for the administration and enforcement of this chapter.

(c) Upon receipt of the completed application, the director shall forward a copy of the application to the building official and the departments of police, fire-rescue, risk management, code compliance, and public works and transportation. The building official and each department shall review the application and return it, with any comments, to the director within 10 working days after receipt.

(d) The building official, departments, and the director may prescribe licenses, permits, and authorizations required by other city ordinances or applicable law, restrictions, regulations, safeguards, and other conditions necessary for the safe and orderly conduct of a neighborhood farmers market, to be incorporated into the permit before issuance.

(e) After reviewing the application and comments, the director shall issue the neighborhood farmers market permit unless denial is required by Section 29A-12. A neighborhood farmers market permit expires January 1 of each year and may be renewed by applying in accordance with this section.

SEC. 29A-6. FEES.

(a) An applicant for a neighborhood farmers market permit shall pay the following fees to conduct the market:

(1) A nonrefundable application fee of:

(A) \$200 for a neighborhood farmers market in which the estimated number of vendors does not exceed 25; or

(B) \$300 for a neighborhood farmers market in which the estimated number of vendors is more than 25 but does not exceed 50.

(2) All fees for permits and licenses required by other city ordinances to conduct specific activities in conjunction with or as part of the neighborhood farmers market.

SEC. 29A-7. INDEMNIFICATION.

An applicant for a neighborhood farmers market permit must execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the conduct of the market.

SEC. 29A-8. DENIAL OR REVOCATION.

(a) The director shall deny a neighborhood farmers market permit if:

(1) a neighborhood farmers market permit has been previously granted in the calendar year to another neighborhood farmers market that is located within one mile of the proposed market and has the same or overlapping operating dates and times as the proposed market;

(2) the proposed neighborhood farmers market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

(3) the applicant fails to adequately provide for:

(A) the protection of the vendors and attendees at the neighborhood farmers market;

(B) maintenance of public order in and around the neighborhood farmers market location;

(C) crowd security, taking into consideration the size of the market; or

(D) emergency vehicle access.

(4) the applicant fails to comply with or the proposed neighborhood farmers market will violate a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this chapter;

(5) the applicant makes a false statement of material fact on an application for a neighborhood farmers market permit or fails to properly complete an application for a neighborhood farmers market permit;

(6) the applicant fails to provide proof that the applicant possesses or is able to obtain a license or permit required by another city ordinance or other applicable law for the conduct of all activities included as part of the neighborhood farmers market;

(7) the applicant has had a neighborhood farmers market permit revoked within the preceding 14 months;

(8) the applicant or a vendor at the applicant's market has committed, within the preceding 14 months, two or more violations of a provision of a neighborhood farmers market permit or this chapter;

(9) the applicant fails to pay any outstanding fees assessed under Section 29A-6 of this chapter for the proposed neighborhood farmers market or for a past neighborhood farmers market;

(10) the applicant has conducted or sponsored another neighborhood farmers market during the same calendar year in which the proposed neighborhood farmers market is to be held;

(11) a neighborhood farmers market has been conducted at the location of the proposed neighborhood farmers market on at least 28 days during the same calendar year in which the proposed market is to be conducted;

(12) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood farmers market would pose a serious threat to the public health, safety, or welfare;

(13) the applicant or any other person responsible for the conduct or sponsorship of the neighborhood farmers market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or other person;

(14) the applicant has a history of conducting or sponsoring neighborhood farmers market in a disorderly, unsafe, unsanitary, or fiscally irresponsible manner; or

(15) the applicant, if it is a corporation, fails to provide copies of a current certificate of account status and current certificate of existence as required by Section 29A-5(b)(10).

(b) The director shall revoke a neighborhood farmers market permit if:

(1) the permit holder failed to comply with or the neighborhood farmers market is in violation of any provision of the neighborhood farmers market permit, a city ordinance, or any other applicable law;

(2) the permit holder made a false statement of material fact on an application for a neighborhood farmers market permit or failed to properly complete an application for a neighborhood farmers market permit;

(3) the chief of the police department, the chief of the fire-rescue department, or the director determines that the neighborhood farmers market poses a serious threat to the public health, safety, or welfare;

(4) the permit holder failed to pay any outstanding fees assessed under Section 29A-6 of this chapter for the proposed neighborhood farmers market or for a past neighborhood farmers market;

(5) the permit holder or any other person responsible for the conduct or sponsorship of the neighborhood farmers market is overdue in payment to the city of taxes, fees, fines, or penalties assessed against or imposed upon the permit holder or other person; or

(6) the permit holder, if it is a corporation, failed to provide copies of a current certificate of account status and current certificate of existence as required by Section 29A-5(b)(10).

SEC. 29A-9. APPEAL FROM DENIAL OR REVOCATION OF A NEIGHBORHOOD FARMERS MARKET PERMIT.

If the director denies the issuance or renewal of a permit or revokes a permit, the director shall send to the applicant or permit holder by certified mail, return receipt requested, written notice of the denial or revocation and of the right to an appeal. The applicant or permit holder may appeal the decision of the director to a permit and license appeal board in accordance with Section 2-96 of this code.

ARTICLE III.

MISCELLANEOUS PROVISIONS.

SEC. 29A-10. LOCATION OF A NEIGHBORHOOD FARMERS MARKET.

- (a) A neighborhood farmers market may not be conducted:
- (1) in the central business district;
 - (2) in a single family, duplex, or townhouse zoning district as defined in the Dallas Development Code;
 - (3) within one mile of another neighborhood farmers market permitted under this chapter that has the same or overlapping operating dates and times;
 - (4) at any location other than the one listed in the permit application; or
 - (5) at any location where one or more neighborhood farmers markets have already been conducted a total of 28 days during the particular calendar year.
- (b) If the permit holder does not own the property on which the neighborhood farmers market will be conducted, the permit holder shall obtain the written consent of the property owner to conduct the market on the property. The permit holder shall present the written consent to the director or any peace officer upon request.

SEC. 29A-11. OPERATION OF A NEIGHBORHOOD FARMERS MARKET.

- (a) A neighborhood farmers market may not be operated more than 28 days in a calendar year and may not be operated on consecutive days.
- (b) A neighborhood farmers market may only be operated between the hours of 8 a.m. and 7 p.m. on any day of the week.
- (c) The neighborhood farmers market may only be operated in accordance with the schedule filed with the director at the time of permit application. Amendment to the schedule may be approved by the director during the calendar year if the changes do not conflict with the schedule of another neighborhood farmers market. An amendment request must be received by the director at least 10 days before implementing any changes.
- (d) No more than 50 vendors may participate in a neighborhood farmers market. Each stall area used by a vendor may not exceed 10 feet by 10 feet.
- (e) When the main use of the property is open for business, not more than 25 percent of the total area of the parking lot for the property may be used for a neighborhood farmers market.

(f) All litter, tents, stalls, food, merchandise, and other evidence of the neighborhood farmers market must be removed from the premises at the end of each market day.

SEC. 29A-12. PRODUCTS AT A NEIGHBORHOOD FARMERS MARKET.

(a) Products that may be sold at a neighborhood farmers market include, but are not limited to the following:

(1) Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.

(2) Meats.

(3) Dairy products.

(4) Prepared foods, including but not limited to baked goods, packaged foods, and oils.

(5) Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, knitting, quilts, and pottery.

(6) Garden items, including but not limited to plants, flowers, and soil.

(b) At least one half of the vendors participating in a neighborhood farmers market must sell produce or other food items.

(c) All products distributed, offered for sale, or sold at a neighborhood farmers market must have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas county completely or partially located within a 150-mile radius of Dallas County, except that the 150-mile radius requirement does not apply to produce or other food items determined by the director to be unavailable from vendors in the radius area. No products may be offered for resale.

(d) Live animals may not be distributed, offered for sale, or sold at a neighborhood farmers market.

SEC. 29A-13. VENDOR'S STATEMENT.

(a) Each calendar year before vending at a neighborhood farmers market, a vendor shall sign and provide to the permit holder a written statement that:

(1) all products to be distributed, offered for sale, or sold at the neighborhood farmers market by the vendor have been raised, grown, made, crafted, processed, or produced by the vendor in compliance with all applicable federal, state, and local laws and in a Texas county completely or partially located within a 150-mile radius of Dallas County (or in an area from which the director, pursuant to Section 29A-12(c), allows certain produce or other food items to be distributed, offered for sale, or sold at the market because of the unavailability of those items from vendors in the radius area); and

(2) no product is being offered for resale.

(b) The permit holder shall maintain a vendor statement for each vendor operating at the neighborhood farmers market and shall present the vendors' statements to the director or any peace officer upon request.

ARTICLE IV.

ENFORCEMENT.

SEC. 29A-14. OFFENSES.

(a) A person commits an offense if he commences or conducts a neighborhood farmers market:

(1) without a neighborhood farmers market permit; or

(2) in violation of any provision of a neighborhood farmers market permit, this chapter, or any other city ordinance or applicable law.

(b) It is a defense to prosecution under this section that the neighborhood farmers market was being lawfully conducted pursuant to a valid special events permit issued under Chapter 42A of this code.

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.

SEC. 29A-15. PENALTY.

(a) A person who violates a provision of this chapter or a requirement of a neighborhood farmers market permit is guilty of a separate offense for each day or part of a day during which the violation is committed or continued.

(b) Each offense is punishable by a fine not to exceed:

(1) \$2,000 for a violation of a provision of this chapter or a requirement of a neighborhood farmers market permit governing fire safety, zoning, or public health and sanitation, including dumping of refuse; or

(2) \$500 for all other violations of this chapter or requirements of a neighborhood farmers market permit.”

SECTION 6. That Section 42A-5, “Exemptions,” of Article I, “General Provisions,” of CHAPTER 42A, “SPECIAL EVENTS,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 42A-5. EXEMPTIONS.

The provisions of this chapter do not apply to:

- (1) a special event conducted entirely on:
 - (A) property under the control of the park and recreation board;
 - (B) the "convention center" or "reunion arena" as defined in Section 43-127 of this code; or
 - (C) the "municipal produce market" as defined in Section 29-3 of this code;
- (2) a parade, as defined in Section 28-186(4) of this code, for which a permit has been issued under Article XVI of Chapter 28 of this code, [;] except that a special event permit must be obtained for any activity not covered by the parade permit that is conducted in conjunction with the parade and that comes within the definition of a special event; [ø]
- (3) a demonstration at a fixed location other than the roadway of a street; or
- (4) a neighborhood farmers market, as defined in Section 29A-2(5) of this code, for which a permit has been issued under Chapter 29A of this code, except that a special event permit must be obtained if the market is being conducted in conjunction with other activities for which a special event permit is required by or has been issued under this chapter.”

SECTION 7. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance governing fire safety, zoning, or public health and sanitation, including dumping of refuse, is, upon conviction, punishable by a fine not to exceed \$2,000 and that a person violating any other provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 8. That CHAPTERS 17 and 42A of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

SECTION 9. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 10. That this ordinance will take effect on January 1, 2011, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____

LC/DCC/00489A

Memorandum



CITY OF DALLAS

DATE October 22, 2010

TO Members of the Transportation and Environment Committee: Linda L. Koop (Chair), Sheffie Kadane (Vice Chair), Jerry Allen, Tennell Atkins, Carolyn R. Davis, Vonciel Jones Hill, Angela Hunt, Delia Jasso, Pauline Medrano, Ron Natinsky

SUBJECT 2011 D/FW International Airport Board Appointment Timeline

On January 31, 2011, the terms of three D/FW International Airport Board Members will expire. The appointees whose terms will expire are:

- Place 01 Betty Culbreath
- Place 05 Ben Muro
- Place 11 Brenda Reyes

The D/FW International Airport Board Appointment procedure is outlined in the attached timeline.

Please contact me if you need additional information.

A handwritten signature in black ink, appearing to read 'Jill Jordan'.

Jill A. Jordan, P.E.
Assistant City Manager

c: The Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Thomas P. Perkins, Jr. City Attorney
Deborah Watkins, City Secretary
Craig Kinton, City Auditor
Judge C. Victor Lander, Administrative Judge
Ryan S. Evans, First Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Forest Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Edward Scott, Director, Controller's Office
Frank Librio, Public Information Office
Theresa O'Donnell, Director, Sustainable Development and Construction
Helena Stevens-Thompson, Assistant to the City Manager – Council Office

Memorandum



DATE October 1, 2010

TO HONORABLE MAYOR AND
MEMBERS OF THE CITY COUNCIL

SUBJECT DALLAS/FORT WORTH INTERNATIONAL AIRPORT BOARD

The terms for the following three of the seven City of Dallas positions on the Dallas/Fort Worth International Airport Board will expire January 31, 2011:

- Place 01 Betty Culbreath
- Place 05 Ben Muro
- Place 11 Brenda Reyes

BACKGROUND

The Dallas-Fort Worth Regional Airport Board, later renamed the Dallas-Fort Worth International Airport Board, was created by contract and agreement between the City of Dallas and the City of Fort Worth. The City Council of the City of Dallas is authorized to appoint seven (7) members to the DALLAS/FORT WORTH INTERNATIONAL AIRPORT BOARD: Place Nos. 1, 4, 5, 6, 9, 10 and 11.

The current status of members on the DFW Board is shown below:

Place 01 Betty Culbreath B F 05 Term expires 01/31/2011
Ms. Culbreath was first appointed February 25, 2009 for a term to expire January 31, 2011. An appointment or reappointment to this position would expire January 31, 2013.

Place 04 Forrest Smith W M 14 Term expires 01/31/2012
Mr. Smith was first appointed March 5, 2008 for a term to expire January 31, 2010. Mr. Smith was reappointed on March 3, 2010 for a term to expire January 31, 2012.

Place 05 Ben Muro H M 11 Term expires 01/31/2011
Mr. Muro was first appointed April 20, 2005 for a term that expired January 31, 2007. Mr. Muro served as a "holdover" until he was reappointed April 18, 2007 for a term to expire January 31, 2009. Mr. Muro was reappointed January 28, 2009 for a term to expire January 31, 2011. An appointment or reappointment to this position would expire January 31, 2013.

**CITY OF DALLAS BOARD AND COMMISSION MEMBERS
2009 - 2011**

DFW - DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD

Membership: 7 - members: appointed by the full City Council; 4 - members appointed by other jurisdictions

Staff Support: Donna Schnell, Board Secretary

DFW INTERNATIONAL AIRPORT

P O Drawer 619428

D F W Airport, TX 75261-9428

Phone: 972-973-5752

Fax: 972-973-5751

01 BETTY CULBREATH APPOINTED 02/25/2009 Place 01 Dallas Member Term Exp 01/31/2011	B F 06 Nominated by SALAZAR Co-nominated by CARAWAY	Terms served: 0 Member since: 02/27/2009
04 FORREST SMITH REAPPOINTED 03/10/2010 Place 04 Dallas Member Term Exp 01/31/2012	W M 14 Nominated by HUNT	Terms served: 2 Member since: 03/06/2008
05 BEN MURO REAPPOINTED 01/28/2009 CHAIR Place 05 Dallas Member Term Exp 01/31/2011	H M 01 Nominated by GARCIA	Terms served: 2 Member since: 05/31/2005
06 ROBERT HSUEH REAPPOINTED 02/24/2010 Place 06 Dallas Member Term Exp 01/31/2012	A M 11 Nominated by KOOP Co-nominated by NATINSKY	Terms served: 2 Member since: 05/19/2005
09 BERNICE J. WASHINGTON REAPPOINTED 02/24/2010 Place 09 Dallas Member Term Exp 01/31/2012	B F 05 Nominated by V.HILL Co-nominated by KOOP	Terms served: 1 Member since: 07/27/2008
10 TOM LEPPERT EX-OFFICIO MAYOR OF DALLAS	W M CC Nominated by EX-OFFICIO	Terms served: 1 Member since: 06/25/2007
11 BRENDA E. REYES APPOINTED 02/25/2009 Place 11 Dallas Member Term Exp 01/31/2011	H F 06 Nominated by SALAZAR Co-nominated by CARAWAY	Terms served: 0 Member since: 02/28/2009

This board requires that nominees for positions to which no one has been appointed this term have one of the following qualifications:

Each member must be a citizen of and resided within the City from which he is selected for a period of at least one (1) year preceding his appointment, and have been a qualified voter within the State of Texas for three years prior to appointment.

APPOINTMENT TIMELINE

D/FW INTERNATIONAL AIRPORT BOARD

October 1, 2010 (Friday)	City Council receives a memo requesting nominees or re-nominees to fill Places 1, 5 and 11. The terms of those three places expire January 31, 2011. <small>-09/27/10 – Inform Transportation and Environment Council Committee that applications from nominees are being accepted by the City Secretary's Office beginning October 1.</small>
November 2010	Weekly updates on nominees and background checks will be provided to City Councilmembers.
December 10, 2010 (Friday)	Deadline for City Councilmembers to submit nominations or re-nominations.
January 10, 2011 (Monday)	Transportation and Environment Council Committee interviews nominees.
January 12, 2011 (Wednesday)	City Council votes on Transportation and Environment Council Committee recommendations.
February 1, 2011	Terms begin for new appointees.

9/30/2010

D/FW International Airport Board

Memorandum



CITY OF DALLAS

DATE October 22, 2010

TO Transportation and Environment Committee Members:

Linda L. Koop (Chair), Sheffie Kadane (Vice Chair), Jerry Allen, Tennell Atkins, Carolyn R. Davis, Vonciel Jones Hill, Angela Hunt, Delia Jasso, Pauline Medrano, Ron Natinsky, Transportation

SUBJECT "Optional" City Council Tour of McCommas Bluff Landfill and Southside Wastewater Treatment Plant

On Tuesday, November 9th, 2010 from 1:00 – 4:00, arrangements have been made for City Councilmembers to tour the McCommas Bluff Landfill and the Southside Wastewater Treatment Plant to learn more about the energy projects at these facilities. Transportation will be provided in the City Council van(s), departing from the L1 Green door to the parking garage at 1:00 pm. Please see the attached itinerary.

If you would like to participate in the tours, please RSVP by Wednesday, November 3rd to Travella King at (214) 670-5365 or travella.king@dallascityhall.com to ensure we have enough van capacity and make preparations at the facilities.

Please contact me if you have any questions or need additional information.

A handwritten signature in black ink, appearing to read 'Jill Jordan'.

Jill A. Jordan, P.E.
Assistant City Manager

c: The Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
Thomas P. Perkins, Jr. City Attorney
Deborah Watkins, City Secretary
Craig Kinton, City Auditor
Judge C. Victor Lander, Administrative Judge
Ryan S. Evans, First Assistant City Manager
A.C. Gonzalez, Assistant City Manager
Forest Turner, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Edward Scott, Director, Controller's Office
Frank Libro, Public Information Office
Rick Galceran, P.E., Director, Public Works and Transportation
Theresa O'Donnell, Director, Sustainable Development and Construction
Helena Stevens-Thompson, Assistant to the City Manager – Council Office

Tour of Energy Projects at McCommas Bluff Landfill and Southside Waste Water Treatment Plant

Tuesday, November 9th, 2010

- 1:00** Depart City Hall, L1 Green Entry Door in Parking Garage
Transportation: City Council Van
Destination: McCommas Bluff Landfill
5100 Youngblood Road, Dallas, TX 75231-4601
- 1:20** Arrive at McCommas Bluff Landfill
- 1:20 – 2:10** Tour of Energy Project at McCommas Bluff Landfill
- 2:10** Depart McCommas Bluff
Transportation: City Council Van
Destination: Southside Wastewater Treatment Plant
10011 Log Cabin Rd, Dallas, TX 75253-4102
- 2:30** Arrive at Southside Wastewater Treatment Plant
- 2:30 – 3:20** Tour of Energy Project at Southside Wastewater Treatment Plant
- 3:20** Depart Southside Wastewater Treatment Plant
Transportation: City Council Van
Destination: City Hall
- 3:50** Arrive at City Hall